

# Romanian Public Procurement Project

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## Table of Comparison for the Romanian Implementation of EU Directives 2004/18 and 2004/17 on procurement in the Classical and Utilities Sectors

The comparison takes is based on Emergency Ordinance (GUO) No. 34/2006 regarding the award of the public procurement contracts, public works concession contracts and service concession contracts. The text has been modified and supplemented by the following acts:

- Law (L) No. 337/2006 for the approval of GUO No. 34/2006
- Government Decision (GD) No. 925/2006 approving implementing norms for GUO No. 34/2006
- Government Decision (GD) No. 1056/2006 modifying Article 102 of GD No. 925/2006
- Government Decision (GD) No. 1337/2006 completing Article 36 of GD No. 925/2006
- Government Order (O) No. 183/2006 regarding media advertising contracts under GUO No. 34/2006
- Government Decision (GD) No. 1660/2006 approving the implementing norms for the award of public procurement contracts via electronic means under GUO No. 34/2006

The acts have further been modified and supplemented by the following acts concerning concessions, which are not included in the present document:

- Emergency Ordinance (GUO) No. 54/2006 regarding the award of contracts for the concession of public property goods under GUO No. 34/2006
- Law (L) No. 22/2007 approving and amending GUO No. 54/2006 regarding the award of contracts for the concession of public property goods
- GD 168/2007 on methodological norms for GUO No. 54/2006
- Government Decision (GD) 71/2007 for the approval of implementing norms for the award of public works and public services concession contracts under GUO No. 34/2006

The table follows the outline of directive 2004/18, with the similar provisions from directive 2004/17 and GUO No. 34/2006 placed on the same line. Provisions special to directive 2004/17 or GUO No. 34/2006 are inserted in separate rows at relevant points. Amendments are individually indicated by references and the use of italics. A comparison with the remedies directives is performed in a separate table, and the in-depth analysis of concession legislation is likewise performed in a separate document.

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The following abbreviations are used:

- EUC: EU procurement legislation for the classical sector under directive 2004/18 as amended
- EEU: EU procurement legislation for the utilities sector under directive 2004/17 as amended
- RO: Romanian procurement legislation under GUO No. 34/2006 as amended
- 1.1.a.s1.p1: Article 1, Paragraph 1, Sub-paragraph a, Sentence 1, Part 1
- ~p: Last part
- bis: Inserted provision
- na: No provisions are found under the heading concerned.

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	1 (amended by L337/2006, point 1)	CHAPTER I General provisions Section 1 Purpose. Principles  Article 1 <i>The present law regulates the procedures for awarding the public procurement contracts, public works concession contracts, services concession contracts and the legal remedies related to these.</i>
na	na	na	na	3bis1 (amended by L337/2006, point 4)	Article 3-1 <i>The public procurement contracts are:</i> a) <i>Works contract</i> b) <i>Supply contract</i> c) <i>Service contract</i>
na	na	na	na	2.1	Article 2 (1) The purpose of this law is: a) promoting the competition between

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					the economic operators; b) guaranteeing equal treatment and non-discrimination of economic operators; c) ensuring transparency and integrity of the public procurement process; d) ensuring the efficient utilization of public funds through applying the awarding procedures by the contracting authorities;
1.1	<p>TITLE I DEFINITIONS AND GENERAL PRINCIPLES</p> <p>Article 1 Definitions 1. For the purposes of this Directive, the definitions set out in <a href="#">paragraphs 2 [3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14]</a> to <a href="#">15</a> shall apply.</p>	1.1	<p>TITLE I GENERAL PROVISIONS APPLICABLE TO CONTRACTS AND DESIGN CONTESTS CHAPTER I Basic terms</p> <p>Article 1 Definitions 1. For the purposes of this Directive, the definitions set out in this Article shall apply.</p>	3.s1	<p>Section 2 Definitions</p> <p>Article 3 For the purposes of this law, the following terms and expressions have the following meanings:</p>
1.2.a	<p>2. (a) "Public contracts" are contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services within the meaning of this Directive.</p>	1.2.a	<p>2. (a) "Supply, works and service contracts" are contracts for pecuniary interest concluded in writing between one or more of the contracting entities referred to in <a href="#">Article 2(2)</a>, and one or more contractors, suppliers, or service providers.</p>	3.f (amended by L337/2006, point 3)	<p>f) <i>public procurement contract: contract that includes as well the category of sectoral contract as is defined at <a href="#">art. 229 paragraph (2)</a>, with pecuniary interest and concluded in written form between one or more contracting authorities, on the one hand, and one or more economic operators, on the other hand, and having as its object the execution of works, the supplying of goods or the providing of services in the sense of</i></p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
1.2.b.s1	(b) "Public works contracts" are public contracts having as their object either the execution, or both the design and execution, of works related to one of the activities within the meaning of <a href="#">Annex I</a> or a work, or the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority.	1.2.b.s1	(b) "Works contracts" are contracts having as their object either the execution, or both the design and execution, of works related to one of the activities within the meaning of <a href="#">Annex XII</a> or a work, or the realisation by whatever means of a work corresponding to the requirements specified by the contracting entity.	4.1 (amended by L337/2006, point 5)	<i>the provisions of the present law;</i> Article 4 (1) Public works contract is that public procurement contract which has as object: a) either the execution of works related to one of the activities listed in <a href="#">Annex no. 1</a> or the execution of a work; or b) both the design and execution of works related to one of the listed in <a href="#">Annex no. 1</a> or the design and execution of a work; or c) <i>the realisation, by whatever means, of a work corresponding with the necessities and objectives of the contracting authority and, insofar these don't correspond with the provisions of letter a) and b);</i>
1.2.b.s2	A "work" means the outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfil an economic or technical function.	1.2.b.2	A "work" means the outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfil an economic or technical function.	4.2	(2) According to the provisions of <a href="#">paragraph (1)</a> , a work means the outcome of building or civil engineering works taken as a whole which is sufficient of itself fulfil a technical or economic function.
1.2.c.1	(c) "Public supply contracts" are public contracts other than those <a href="#">referred to in (b)</a> having as their object the purchase, lease, rental or hire purchase, with or without option to buy, of products.	1.2.c.1	(c) "Supply contracts" are contracts other than those <a href="#">referred to in (b)</a> having as their object the purchase, lease, rental or hire-purchase, with or without the option to buy, of products.	5.1	Article 5 (1) The public supply contract is the public procurement contract, other than the public works contract, which has as object the supply of one or more products, through purchasing, renting or hire purchase, leasing, with or without the option to buy.
1.2.c.2	A public contract having as its	1.2.c.2	A contract having as its object the	5.2	(2) <i>The public procurement contract</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	object the supply of products and which also covers, as an incidental matter, siting and installation operations shall be considered to be a "public supply contract".		supply of products, which also covers, as an incidental matter, siting and installation operations shall be considered to be a "supply contract";	(amended by L337/2006, point 6)	<i>having as main object the supply of products and as an incidental matter, their siting and installation operations, shall be considered to be a public supply contract.</i>
1.2.d.1	(d) "Public service contracts" are public contracts other than public works or supply contracts having as their object the provision of services referred to in <a href="#">Annex II</a> .	1.2.d.1	(d) "Service contracts" are contracts other than works or supply contracts having as their object the provision of services referred to in <a href="#">Annex XVII</a> .	6.1 (amended by L337/2006, point 7)	Article 6 (1) <i>The public service contract is that public procurement contract, other than public works contract or public supply contract having as object the execution of one or more services, as that are provided for by <a href="#">Annex 2A</a> and <a href="#">2B</a>.</i>
1.2.d.2	A public contract having as its object both products and services within the meaning of <a href="#">Annex II</a> shall be considered to be a "public service contract" if the value of the services in question exceeds that of the products covered by the contract.	1.2.d.2	A contract having as its object both products and services within the meaning of <a href="#">Annex XVII</a> shall be considered to be a "service contract" if the value of the services in question exceeds that of the products covered by the contract.	7	Article 7 The public procurement contract that has as object supplying both products and services is considered to be: a) supply contract, if the estimated value of products is higher than the estimated value of services provided in the respective contract; b) services contract, if the estimated value of the services is higher than estimated value of the products provided in the respective contract.
1.2.d.3	A public contract having as its object services within the meaning of <a href="#">Annex II</a> and including activities within the meaning of <a href="#">Annex I</a> that are only incidental to the principal object of the contract shall be considered to be a public service contract.	1.2.d.3	A contract having as its object services within the meaning of <a href="#">Annex XVII</a> and including activities within the meaning of <a href="#">Annex XII</a> that are only incidental to the principal object of the contract shall be considered to be a service contract.	6.2	(2) The public procurement contract having as main object the supply of services and only incidentally activities within the meaning of <a href="#">Annex 1</a> , shall be considered to be a public service contract.

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
1.3	3. "Public works concession" is a contract of the same type as a public works contract except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the work or in this right together with payment.	1.3.a	3. (a) A "works concession" is a contract of the same type as a works contract except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the work or in that right together with payment;	3.g (amended by L337/2006, point 3)	<i>g) public works concession contract: is the contract having the same characteristics as the public works contract, except for the fact that the contractor, having quality of concessionaire, receives from the contracting authority, having quality of conceder, in consideration for the works to be carried out, the right to exploit the work or this right together with payment;</i>
1.4	4. "Service concession" is a contract of the same type as a public service contract except for the fact that the consideration for the provision of services consists either solely in the right to exploit the service or in this right together with payment.	1.3.b	(b) A "service concession" is a contract of the same type as a service contract except for the fact that the consideration for the provision of services consists either solely in the right to exploit the service or in that right together with payment.	3.h (amended by L337/2006, point 3)	<i>h) services concession contract: is the contract having the same characteristics as the services contract, except for the fact that the contractor, having quality of concessionaire, receives from the contracting authority, having quality of conceder, in consideration for the provision of services, the right to exploit the services or this right together with payment;</i>
1.5	5. A "framework agreement" is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.	1.4	4. A "framework agreement" is an agreement between one or more contracting entities referred to in <a href="#">Article 2(2)</a> and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantities envisaged.	3.b (amended by L337/2006, point 3)	<i>b) framework agreement: written agreement between one or more contracting authorities and one or more economic operators, with the purpose of establishing the essential terms that will govern the public procurement contracts that are to be awarded in a certain period, in particular regarding the price and, where appropriate, the quantities envisaged;</i>
1.6	6. A "dynamic purchasing system"	1.5	5. A "dynamic purchasing system"	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	is a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.		is a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting entity, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.		
1.7.1	7. An "electronic auction" is a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.	1.6.1	6. An "electronic auction" is a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.	3.n (amended by L337/2006, point 3)	n) <i>electronic auction: repetitive process realized after an initial full evaluation of tenders, in which the tenderers have the possibility, exclusively by electronic means, to revise downwards the presented prices and/or improve certain elements of the tender; the final evaluation has to be realized automatically by the electronic means;</i>
1.7.2	Consequently, certain service contracts and certain works contracts having as their subject-matter intellectual performances, such as the design of works, may not be the object of electronic auctions.	1.6.2	Consequently, certain service contracts and certain works contracts having as their subject-matter intellectual performances, such as the design of works, may not be the object of electronic auctions.	163	Article 163 The awarding of the services and works contracts that imply intellectual activities as consultancy, design and other similar activities, cannot be subject of the electronic auctions.
1.8.1	8. The terms "contractor", "supplier" and "service provider" mean any natural or legal person or public entity or group of such persons	1.7.1	7. The terms "contractor", "supplier" or "service provider" mean either a natural or a legal person, or a contracting entity within the	3.i (amended by L337/2006,	i) <i>contractor: the tenderer that became part in a public procurement contract, according to law;</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	and/or bodies which offers on the market, respectively, the execution of works and/or a work, products or services.		meaning of Article <a href="#">2(2)(a) or (b)</a> , or a group of such persons and/or entities which offers on the market, respectively, the execution of works and/or a work, products or services.	point 3)	
1.8.2	The term "economic operator" shall cover equally the concepts of contractor, supplier and service provider. It is used merely in the interest of simplification.	1.7.2	The terms "economic operator" shall cover equally the concepts of contractor, supplier and service provider. It is used merely in the interests of simplification.	3.r (amended by L337/2006, point 3)	r) <i>economic operator: any supplier of products, provider of services or executor of works – natural or legal person, governed by public or private law, or a group of such persons which legally offers on the market products, services and/or the execution of works;</i>
1.8.3	An economic operator who has submitted a tender shall be designated a "tenderer". One which has sought an invitation to take part in a restricted or negotiated procedure or a competitive dialogue shall be designated a "candidate".	1.7.3	A "tenderer" is an economic operator who submits a tender, and "candidate" means one who has sought an invitation to take part in a restricted or negotiated procedure.	3.p & 3.c (amended by L337/2006, point 3)	[A-3] p) <i>tenderer: any economic operator which has submitted a tender;</i> [A-3] c) <i>candidate: any economic operator that submits its application/candidature for a restricted or negotiated procedure or a competitive dialogue;</i>
1.9.1	9. "Contracting authorities" means the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or one or several of such bodies governed by public law.	2.1.a.1	CHAPTER II Definition of the activities and entities covered Section 1 Entities  Article 2 Contracting entities 1. For the purposes of this Directive, (a) "Contracting authorities" are	8.a, 8.b.p1 & 8.c	Section 4 Contracting Authorities  Article 8: For the purpose of this law, a contracting authority means: a) any state organism – public authority or public institution - established at central, regional or local level; b) any body governed by public law,



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			State, regional or local authorities, bodies governed by public law, associations formed by one or several such authorities or one or several of such bodies governed by public law.		other than those stipulated by letter a), .....  c) any association formed by one or more contracting authorities as they are provided at letter a) or b);
1.9.2	A "body governed by public law" means any body: (a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) having legal personality; and (c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.	2.1.a.2	"A body governed by public law" means any body: - established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, - having legal personality and - financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;	8.b.p2	..... having legal personality, which has been established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and which is found in at least one of the following situations: - it is financed for the most part by a contracting authority as it is provided at <a href="#">letter a)</a> or by other body governed by public law; - it is subordinated or under supervision of a contracting authority as it is provided at <a href="#">letter a)</a> or of other body governed by public law; - more than a half of the members of the administrative/managerial board or supervisory body is appointed by a contracting authority as it is provided at <a href="#">letter a)</a> or by other body governed by public law;
1.9.3	Non-exhaustive lists of bodies and categories of bodies governed by public law which fulfil the criteria referred to in <a href="#">(a), (b) and (c) of the second subparagraph</a> are set out in <a href="#">Annex III</a> . Member States shall	na	na	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	periodically notify the Commission of any changes to their lists of bodies and categories of bodies.				
na	na	2.1.b	<p>(b) a "public undertaking" is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.</p> <p>A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:</p> <ul style="list-style-type: none"> <li>- hold the majority of the undertaking's subscribed capital, or</li> <li>- control the majority of the votes attaching to shares issued by the undertaking, or</li> <li>- can appoint more than half of the undertaking's administrative, management or supervisory body.</li> </ul>	3.m (amended by L337/2006, point 3)	<p>m) <i>public undertaking: a legal entity which carries out economic activities, that is directly or indirectly dominantly influenced by a contracting authority defined in <a href="#">art. 8 let. a), b) or c)</a> by virtue of its ownership, its financial participation therein or the specific rules provided in the act that sets-up up the respective entity; the presumption of exerting the dominant influence is applied in all the situations when, in relation with such an entity one or more contracting authorities defined in <a href="#">art. 8 lett. a), b) or c)</a>, directly or indirectly:</i></p> <ul style="list-style-type: none"> <li>- hold the majority of the subscribed capital; or</li> <li>- detain the control of the majority of votes in the executive structure, like the general assembly; or</li> <li>- can appoint more than half of the members of the administration council, managerial or supervisory body;</li> </ul>
na	na	2.2.a	<p>2. This Directive shall apply to contracting entities:</p> <p>(a) which are contracting authorities or public undertakings and which pursue one of the activities referred to in <a href="#">Articles 3 [4, 5, 6] to 7;</a></p>	229	<p>CHAPTER VIII Sectoral contracts Section 1 Relevant activities Paragraph 1 Scope</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 229</p> <p>(1) The provisions of <a href="#">Chapters I [II, III, IV, V] -VI</a> are applicable to sectoral contracts insofar as this chapter doesn't provide otherwise.</p> <p>(2) As regards the provisions of the paragraph (1), sectoral contract means the public procurement contract that is awarded for performing a relevant activity in the following sectors of public utilities to be carried out:</p> <ul style="list-style-type: none"> <li>a) water;</li> <li>b) energy</li> <li>c) transport services;</li> <li>d) postal services.</li> </ul>
na	na	2.2.b	(b) which, when they are not contracting authorities or public undertakings, have as one of their activities any of the activities referred to in <a href="#">Articles 3 [4, 5, 6] to 7</a> , or any combination thereof and operate on the basis of special or exclusive rights granted by a competent authority of a Member State.	8.d-e	<p>d) any public undertaking that carries out one or more of the activities stipulated by <a href="#">Chapter VIII, Section 1</a>, when it awards public procurement contracts or concludes framework agreements destined for the carrying out of the respective activities.</p> <p>e) any legal entity, other than those stipulated by <a href="#">letter a) - d)</a>, which carries out one or more of the activities stipulated by <a href="#">Chapter VIII, Section 1</a>, based on a special or exclusive right, as defined in <a href="#">Article 3 let. t)</a>, awarded by a competent authority, when it awards public procurement contracts or concludes framework agreements intended for the carrying out of the respective</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					activities.
1.10	10. A "central purchasing body" is a contracting authority which: <ul style="list-style-type: none"> <li>- acquires supplies and/or services intended for contracting authorities, or</li> <li>- awards public contracts or concludes framework agreements for works, supplies or services intended for contracting authorities.</li> </ul>	1.8	8. A "central purchasing body" is a contracting authority within the meaning of <a href="#">Article 2(1)(a)</a> or a contracting authority within the meaning of <a href="#">Article 1(9) of Directive 2004/18/EC</a> which: <ul style="list-style-type: none"> <li>- acquires supplies and/or services intended for contracting entities or</li> <li>- awards public contracts or concludes framework agreements for works, supplies or services intended for contracting entities.</li> </ul>	22.2	(2) The central purchasing body is a contracting authority as provided by <a href="#">art. 8 letter a), b) or c)</a> , which: <ul style="list-style-type: none"> <li>- purchases in its own name products and/or services that are or can be intended for one ore more another contracting authorities;</li> <li>- awards public procurement contracts or concludes framework agreements, in the name of and for one ore more another contracting authorities.</li> </ul>
1.11.a	11. (a) "Open procedures" means those procedures whereby any interested economic operator may submit a tender.	1.9.a	9. "Open, restricted and negotiated procedures" are the procurement procedures applied by contracting entities, whereby: <ul style="list-style-type: none"> <li>(a) in the case of open procedures, any interested economic operator may submit a tender;</li> </ul>	18.1.a	Article 18 (1) The procedures for awarding the public procurement contract are: <ul style="list-style-type: none"> <li>a) open procedure, respectively the procedure to which any interested economic operator has the right to submit tender;</li> </ul>
1.11.b	(b) "Restricted procedures" means those procedures in which any economic operator may request to participate and whereby only those economic operators invited by the contracting authority may submit a tender.	1.9.b	(b) in the case of restricted procedures, any economic operator may request to participate and only candidates invited by the contracting entity may submit a tender;	18.1.b	b) restricted procedure, respectively the procedure to which any economic operator has the right to submit his candidature and where only selected candidates by the contracting authority, are invited to submit tender;
1.11.c.s1	(c) "Competitive dialogue" is a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with	na	na	18.1.c	c) competitive dialogue, respectively the procedure to which any economic operator has the right to submit his candidature, and by which the contracting authority conducts a

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender.				dialog with the admitted candidates, with the purpose of identifying one or more suitable solutions that are able to respond to its needs and on the basis of which the selected candidates will elaborate the final tender;
1.11.c.s2	For the purpose of recourse to the procedure mentioned in the first subparagraph, a public contract is considered to be "particularly complex" where the contracting authorities: <ul style="list-style-type: none"> <li>- are not objectively able to define the technical means in accordance with Article 23(3)(b), (c) or (d), capable of satisfying their needs or objectives, and/or</li> <li>- are not objectively able to specify the legal and/or financial make-up of a project.</li> </ul>	na	na	95	Article 95 According to the provisions of <a href="#">art. 94 letter a)</a> , the particularly complex contract is considered the public procurement contract for which the contracting authority is not objectively able: <ul style="list-style-type: none"> <li>a) to define technical specifications, technical means that can satisfy the needs and exigencies; and/or</li> <li>b) to establish the legal and/or financial framework for the implementation of a project.</li> </ul>
1.11.d	(d) "Negotiated procedures" means those procedures whereby the contracting authorities consult the economic operators of their choice and negotiate the terms of contract with one or more of these.	1.9.c	(c) in the case of negotiated procedures, the contracting entity consults the economic operators of its choice and negotiates the terms of the contract with one or more of these.	18.1.d	d) negotiation, respectively the procedure by which the contracting authority carries out consultations with the selected candidates and negotiates the contractual clauses, including the price, with one or more of those. The negotiation can be: <ul style="list-style-type: none"> <li>- negotiation with publication of a participation notice;</li> <li>- negotiation without publication of a participation notice.</li> </ul>
na	na	na	na	18.1.e	e) request for tenders, respectively the simplified procedure by which the

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					contracting authority requests for tenders from several economic operators.
1.11.e	(e) "Design contests" means those procedures which enable the contracting authority to acquire, mainly in the fields of town and country planning, architecture and engineering or data processing, a plan or design selected by a jury after being put out to competition with or without the award of prizes.	1.10	10. "Design contests" are those procedures which enable the contracting entity to acquire, mainly in the fields of town and country planning, architecture, engineering or data processing, a plan or design selected by a jury after having been put out to competition with or without the award of prizes.	18.2 (amended by L337/2006, point 14)	<i>The contracting authority has the right to organize a design contest, respectively a procedure by which it purchases, particularly in the field of territory or town planning, architecture, engineering or data processing, a plan or project selected by a jury, after being put out to competition, with or without prize awarding.</i>
na	na	na	na	250.2	(2) The provisions of <a href="#">article 18 paragraph (2)</a> are applicable in case of award of sectoral contracts.
1.12	12. "Written" or "in writing" means any expression consisting of words or figures which can be read, reproduced and subsequently communicated. It may include information which is transmitted and stored by electronic means.	1.11	11. "Written" or "in writing" means any expression consisting of words or figures that can be read, reproduced and subsequently communicated. It may include information transmitted and stored by electronic means.	3.u (amended by L337/2006, point 3)	u) <i>"written" or "in writing": any expression consisting of words or figures which can be read, reproduced and subsequently communicated. It includes information, which is transmitted and stored by electronic means;</i>
1.13	13. "Electronic means" means using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means.	1.12	12. "Electronic means" means using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means.	3.v (amended by L337/2006, point 3)	v) <i>electronic system for public procurement - ESPP – the public utility it system, accessible by Internet at a dedicated address and utilized with the goal of applying the awarding procedures by electronic means;</i>
1.14.1	14. The "Common Procurement Vocabulary (CPV)" shall designate the reference nomenclature	1.13.1	13. "Common Procurement Vocabulary (CPV)" means the reference nomenclature applicable	3.y (amended by	y) <i>the "Common Public Procurement Vocabulary (CPV)": the reference nomenclature applicable to public</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	applicable to public contracts as adopted by <a href="#">Regulation (EC) No 2195/2002</a> , while ensuring equivalence with the other existing nomenclatures.		to public contracts as adopted by <a href="#">Regulation (EC) No 2195/2002</a> of 5 November 2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CVP) while ensuring equivalence with the other existing nomenclatures.	L337/2006, point 3)	<i>procurement contracts as adopted by <a href="#">Regulation (EC) No 2195/2002</a>, published in the O.J. of the EU L340 of 16/12/2002 while ensuring equivalence with the other existing nomenclatures;</i>
na	na	na	na	(Article 103 of GD-925/2006)	Article 103 (1) Until the 31st of December 2006, the contracting authority shall be entitled to use for the purpose of statistical classification of products, services and works, the group and code system used in the Classification of products and services associated with activities (CPSA), or the common procurement vocabulary (CPV). (2) Beginning with the 1st of January 2007, the contracting authority shall be obliged to use for the statistical classification of products, services and works only the Common procurement vocabulary (CPV).
1.14.2	In the event of varying interpretations of the scope of this Directive, owing to possible differences between the CPV and NACE nomenclatures listed in <a href="#">Annex I</a> , or between the CPV and CPC (provisional version) nomenclatures listed in <a href="#">Annex II</a> ,	1.13.2	In the event of varying interpretations of the scope of this Directive, owing to possible differences between the CPV and NACE nomenclatures listed in <a href="#">Annex XII</a> or between the CPV and CPC (provisional version) nomenclatures listed in <a href="#">Annex XVII</a> ,	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	the NACE or the CPC nomenclature respectively shall take precedence.		the NACE or the CPC nomenclature respectively shall take precedence.		
1.15	<p>15. For the purposes of <a href="#">Article 13</a>, <a href="#">Article 57(a)</a> and <a href="#">Article 68(b)</a>, the following phrases shall have the following meanings:</p> <p>(a) "public telecommunications network" means the public telecommunications infrastructure which enables signals to be conveyed between defined network termination points by wire, by microwave, by optical means or by other electromagnetic means;</p> <p>(b) a "network termination point" means all physical connections and their technical access specifications which form part of the public telecommunications network and are necessary for access to, and efficient communication through, that public network;</p> <p>(c) "public telecommunications services" means telecommunications services the provision of which the Member States have specifically assigned, in particular, to one or more telecommunications entities;</p> <p>(d) "telecommunications services" means services the provision of which consists wholly or partly in the transmission and routing of signals on the public</p>	na	na	na	na



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	telecommunications network by means of telecommunications processes, with the exception of broadcasting and television.				
na	na	2.3	3. For the purposes of this Directive, "special or exclusive rights" mean rights granted by a competent authority of a Member State by way of any legislative, regulatory or administrative provision the effect of which is to limit the exercise of activities defined in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> to one or more entities, and which substantially affects the ability of other entities to carry out such activity.	3.k (amended by L337/2006, point 3)	k) <i>special or exclusive right: the right that results from any form of authorization granted, according to the law, by a competent authority or by administrative acts issued by a competent authority, having as effect to limit the exercise of activities in the field of certain public services only to one or to a limited number of persons, affecting substantially the ability for other persons to carry out such activities;</i>
na	na	na		3.a (amended by L337/2006, point 3)	a) <i>acceptance of the winning tender: the legal act by which the contracting authority expresses its consent to be legally engaged in a public procurement contract that will be concluded with the tenderer whose tender has been declared as winning tender;</i>
na	na	na	na	3.d (amended by L337/2006, point 3)	d) <i>candidature: all documents used by a candidate to demonstrate his personal situation, technical and professional ability and financial and economical standing, in order to obtain an invitation for submitting a tender, in the case of application of restricted procedure, negotiation or competitive dialogue.</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	3.e (amended by L337/2006, point 3)	e) competitor: any economic operator which has presented a project within the design contest;
na	na	na	na	3.j (amended by L337/2006, point 3)	j) tender documentation: documentation that contains all information related to the subject-matter of public procurement contract, as well as to the awarding procedure of the contract, including the terms of reference or, where appropriate, the descriptive documentation;
na	na	na	na	3.l (amended by L337/2006, point 3)	l) public funds: sums allocated from the budget provided at <a href="#">art. 1 paragraph (2)</a> from <a href="#">Law 500/2002</a> regarding public finance, with the subsequent modifications;
na	na	na	na	3.o (amended by L337/2006, point 3)	o) electronic means: the use of electronic equipment for the processing and storage of data, which is transmitted, conveyed and received by wire, radio, optical means or by other electromagnetic means;
na	na	na	na	3.q (amended by L337/2006, point 3)	q) tender: the legal act by which the economic operator expresses his will to be engaged, from a juridical point of view, in a public procurement contract; the tender contains the financial proposal and the technical proposal;
na	na	na	na	3.s (amended by	s) operator of ESPP: the legal person governed by public law that ensures to the contracting authorities the

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
				L337/2006, point 3)	<i>technical support for the application of the awarding procedures by electronic means;</i>
na	na	na	na	3.s-bis (amended by L337/2006, point 3)	<i>s-bis) awarding procedure: the stages that have to be followed by the contracting authority and by the candidates/tenderers in order that the agreement of the parties involved in the public contract will be considered valid; the awarding procedures are: open procedure, restricted procedure, competitive dialogue, negotiation, request for tenders, design contest;</i>
na	na	na	na	3.t (amended by L337/2006, point 3)	<i>t) financial proposal: part of the tender which contains information regarding the price, tariff, other appropriate financial and commercial conditions in accordance with the requirements stipulated by the tender documentation;</i>
				3.t-bis (amended by L337/2006, point 3)	<i>t-bis) technical proposal: part of the tender elaborated on the basis of the requirements from the terms of reference or, on a case by case basis, from the descriptive documentation;</i>
na	na	na	na	3.x (amended by L337/2006, point 3)	<i>x) Treaty: the <a href="#">Treaty establishing the European Community</a>, signed on 25 March 1957, with subsequent modifications and completions.</i>
na	na	na	na	3.z (amended by L337/2006,	<i>z) days: calendar days, except for the case where working days is provided;</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
2	<p>Article 2</p> <p>Principles of awarding contracts</p> <p>Contracting authorities shall treat economic operators equally and non-discriminatorily and shall act in a transparent way.</p>	10	<p>CHAPTER III</p> <p>General principles</p> <p>Article 10</p> <p>Principles of awarding contracts</p> <p>Contracting entities shall treat economic operators equally and non-discriminatorily and shall act in a transparent way.</p>	<p>point 3)</p> <p>2.2</p> <p>(2.2.f amended by L337/2006, point 2)</p>	<p>(2) The awarding of public procurement contract is subject to the following principles:</p> <p>a) non-discrimination;</p> <p>b) equal treatment;</p> <p>c) mutual recognition;</p> <p>d) transparency;</p> <p>e) proportionality;</p> <p>f) <i>efficient utilization of public funds</i>;</p> <p>g) assumption of responsibility.</p>
na	na	na	na	<p>(Article 2 of GD-925/2006)</p>	<p>Article 2</p> <p>(1) During the application of the public procurement contracts awarding procedure, any situation that is not explicitly regulated shall be interpreted with a view to the principles foreseen in <a href="#">article 2, paragraph (2)</a> from the emergency ordinance.</p> <p>(2) For the contracts of which awarding is not regulated by the emergency ordinance, the contracting authority must ensure an efficient use of the funds during the awarding process, to promote competition between the economic operators, as well as to guarantee non discrimination, mutual recognition and equal treatment for the economic operators that participate to a contract awarding.</p> <p>(3) During the awarding procedure, the contracting authority has the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					obligation to take all necessary measures for avoiding any situation that could lead to a conflict of interests and/or unfair competition. If such a case appears, as is stipulated by art. 67-70 of the emergency ordinance, the contracting authority shall eliminate the effects of such situation by adopting, according to its competences, by case, the corrective measures to modify, to cease, to revoke, to cancel, and others similar, the acts and decisions that have affected the correct application of the awarding procedure or related activities.
3	<p>Article 3</p> <p>Granting of special or exclusive rights: non-discrimination clause</p> <p>Where a contracting authority grants special or exclusive rights to carry out a public service activity to an entity other than such a contracting authority, the act by which that right is granted shall provide that, in respect of the supply contracts which it awards to third parties as part of its activities, the entity concerned must comply with the principle of non-discrimination on the basis of nationality.</p>	na	na	15.2	(2) The contracting authority that, based on its legal competencies, grants to an entity not defined as contracting authority special or exclusive rights to carry out a public service activity, has the obligation to impose, by the authorization that it issues with this purpose, the observance by the respective entity of the non-discrimination principle when it awards supply contracts to third parties.
4.1.1	TITLE II RULES ON PUBLIC	11.1.1	TITLE II RULES APPLICABLE TO	42	Article 42 The tenderer/candidate that is

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>CONTRACTS CHAPTER I General provisions</p> <p>Article 4 Economic operators 1. Candidates or tenderers who, under the law of the Member State in which they are established, are entitled to provide the relevant service, shall not be rejected solely on the ground that, under the law of the Member State in which the contract is awarded, they would be required to be either natural or legal persons.</p>		<p>CONTRACTS CHAPTER I General provisions</p> <p>Article 11 Economic operators 1. Candidates or tenderers who, under the law of the Member State in which they are established, are entitled to provide the relevant service, shall not be rejected solely on the ground that, under the law of the Member State in which the contract is awarded, they would be required to be either natural or legal persons.</p>		<p>entitled to carry out a certain activity, according to the legislation of the state where it is established, cannot be rejected from an awarding procedure having as only reason that, according to national legislation, this type of activity may be provided only by legal persons or only by natural persons.</p>
4.1.2	<p>However, in the case of public service and public works contracts as well as public supply contracts covering in addition services and/or siting and installation operations, legal persons may be required to indicate in the tender or the request to participate, the names and relevant professional qualifications of the staff to be responsible for the performance of the contract in question.</p>	11.1.2	<p>However, in the case of service and works contracts as well as supply contracts covering in addition services and/or siting and installation operations, legal persons may be required to indicate, in the tender or the request to participate, the names and relevant professional qualifications of the staff to be responsible for the performance of the contract in question.</p>	na	na
4.2	<p>2. Groups of economic operators may submit tenders or put themselves forward as candidates. In order to submit a tender or a request to participate, these groups may not be required by the</p>	11.2	<p>2. Groups of economic operators may submit tenders or put themselves forward as candidates. In order to submit a tender or a request to participate, these groups may not be required by the</p>	44	<p>Article 44 (1) More economic operators have the right to be associated and to form a group with the purpose to present together the candidature or to submit a common tender, not having the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	contracting authorities to assume a specific legal form; however, the group selected may be required to do so when it has been awarded the contract, to the extent that this change is necessary for the satisfactory performance of the contract.		contracting entities to assume a specific legal form; however, the group selected may be required to do so when it has been awarded the contract, to the extent to which this change is necessary for the satisfactory performance of the contract.		obligation to assume a specific legal form of their association. (2) The contracting authority has the right to ask the group to assume a specific legal form of their association only if the common tender is declared winner and only if such a requirement represents a necessary condition for performing the contract.
5	<p>Article 5</p> <p>Conditions relating to agreements concluded within the World Trade Organisation</p> <p>For the purposes of the award of contracts by contracting authorities, Member States shall apply in their relations conditions as favourable as those which they grant to economic operators of third countries in implementation of the Agreement on Government Procurement (hereinafter referred to as "the Agreement"), concluded in the framework of the Uruguay Round multilateral negotiations. Member States shall, to this end, consult one another within the Advisory Committee for Public Contracts referred to in <a href="#">Article 77</a> on the measures to be taken pursuant to the Agreement.</p>	12	<p>Article 12</p> <p>Conditions relating to agreements concluded within the World Trade Organisation</p> <p>For the purposes of the award of contracts by contracting entities, Member States shall apply in their relations conditions as favourable as those which they grant to economic operators of third countries in implementation of the Agreement. Member States shall, to this end, consult one another within the Advisory Committee for Public Contracts on the measures to be taken pursuant to the Agreement.</p>	41	<p>Section 4</p> <p>Rules for participation to the awarding procedure</p> <p>Article 41</p> <p>Any economic operator has the right to participate, individually or in an operators' group in the awarding procedure</p>
na	na	na	na	(Article 84-92 of GD-925/2006)	CHAPTER VII Guarantees

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>SECTION 1 The Participation Guarantee</p> <p>Article 84 The tenderer shall constitute the participation guarantee in order to protect the contracting authority against the risk of a possible inappropriate behaviour of him, for the whole period until the closing date of the public procurement contract or the frame agreement.</p> <p>Article 85 The contracting authority has the obligation to clearly state in the awarding documentation if the tenderers have an obligation to constitute a participation guarantee for the participation in the procedure. When the awarding documentation provides such an obligation, it must also contain the following information:</p> <ul style="list-style-type: none"> <li>a) the quantum of the participation guarantee as a fixed amount, which shall not exceed 2% of the estimated value of the public procurement contract or the framework agreement;</li> <li>b) the availability period of the participation guarantee shall be at least equal to the period of validity of the tender.</li> </ul> <p>Article 86</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(1) The participation guarantee shall be put up by means of a bank guarantee letter, which shall be submitted in original form with the amount and for the period provided by the awarding documentation.</p> <p>(2) The contracting authority shall not be entitled to impose a single bank to issue of the participation guarantee, by specifically referring to it in the awarding documentation.</p> <p>(3) The participation guarantee can also be put up by depositing at the cashier's office of the contracting authority of:</p> <ul style="list-style-type: none"> <li>a) a payment order or cheque, provided that they are endorsed by the issuing bank until the date of tenders opening;</li> <li>b) an amount in cash, when the value of the participation guarantee is low;</li> </ul> <p>(4) In any case, the participation guarantee must be submitted no later than the moment of opening the tenders.</p> <p>Article 87</p> <p>(1) The contracting authority has the right to retain the participation guarantee, thus the tenderer loses the deposited amount, whenever the last might find itself in any of the following circumstances:</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>a) withdrawal of the tender during the period of validity;</p> <p>b) failure to constitute the good execution guarantee during the period of validity of the tender, once its tender has been declared a winner and in any case, no later than 15 days since the contract has been signed;</p> <p>c) refusal to sign the contract of public procurement/framework agreement during the period of validity of the tender, once it's tender has been declared a winner.</p> <p>(2) The paragraph (1), letter b) provisions shall not apply in case of a framework agreement.</p> <p>Article 88</p> <p>(1) The participation guarantee, constituted by the tenderer whose tender was declared a winner shall be refunded by the contracting authority within 3 days since the constitution of the good execution guarantee.</p> <p>(2) The participation guarantee put up by the tenderers whose tenders were not declared as winners shall be refunded by the contracting authority once the contract of public procurement with the tenderer/tenderers whose tenders were designated as winners has been signed, but no later than 3 working days since the period validity of the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>tender has expired.</p> <p>SECTION 2 Good performance guarantee</p> <p>Article 89 (1) The good performance guarantee shall be constituted by the contractor with the purpose of guaranteeing towards the contracting authority the quantitative, qualitative and timely fulfilment of the contract. (2) The contracting authority shall be obliged to establish in the awarding documentation the way in which the good performance guarantee shall be constituted, as well as its total amount that is not to exceed by more than 10 % of the contract price, VAT not included. (3) In the case when a supply or services contract – except the design services –of which estimated value is less than the value stipulated by Article 124 of the emergency ordinance is awarded, as well as in the case of awarding a contract awarded through negotiation without prior publication of a contract notice, the contracting authority has the right to not require to contractor to constitute a good performance guarantee.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 90</p> <p>(1) The good performance guarantee is constituted by a bank guarantee letter, which will be annexed to the contract, as a rule.</p> <p>(2) When the value of the good performance guarantee is low, the contracting authority shall be entitled to accept its constitution through the deposit of cash at the pay office.</p> <p>(3) When the parties so agree, the good performance guarantee can be constituted through successive instalments out of the amounts owed for partial invoices. In this case, the contractor shall have to open up a bank account at the contracting authority's disposal, with a bank mutually agreed upon. The initial amount deposited by the contractor in the respective account, shall not be less than 0.5% of the total price of the contract. During the execution of the contract, the contracting authority shall make successive deposits in the respective account by successive retains of the amounts owned until the total amount established as good performance guarantee within the awarding documentation. The contracting authority shall request the bank to inform the contractor of the payment and its destination. The account thus opened carries an</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>interest in favour of the contractor.</p> <p>Article 91 The contracting authority have the right to formulate claims regarding the good procurement guarantee, during the execution of the contract, with respect to the damage occurred, when the contractor does not fulfil its contract obligations. Prior to the claim regarding the good performance guarantee, the contracting authority has the obligation to notify the claim to the contractor, stating the obligations that were not fulfilled.</p> <p>Article 92 (1) In the case of a supply contract, the contracting authority has the obligation to release/refund the good performance guarantee in no more than 14 days since the official reception report of the products stipulated in the contract has been drawn up and/or the final invoice payment, provided that no claims have been issued. (2) In the case of a services contract, the contracting authority has the obligation to release/refund the good performance guarantee in no more than 14 days since the contractor has fulfilled the obligations stipulated by contract, provided that</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>no claims have been issued.</p> <p>(3) In the case of design services contracts, the contracting authority shall be obliged to release/refund the good performance guarantee, as follows:</p> <p>a) the value of the good performance guarantee related to pre-feasibility and/or feasibility studies, within 14 days from the date of delivery and reception/approval of the respective technical economical documentation, provided that no claims have been issued.</p> <p>b) the value of the good performance guarantee related to the technical project and/or execution details, within 14 days since the date the official reception report regarding the completion of the works performed on the respective project basis, provided that no claims have been issued.</p> <p>(4) In the case of works contracts, the contracting authority has the obligation to release/refund the good performance guarantee, as follows:</p> <p>a) 70% of the guarantee value within 14 days since the date of the official reception report regarding the completion of the works performed, provided that no claims have been issued and that the risk of hidden flaws is minimal;</p>

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					<p>b) the remaining 30% of the guarantee value at the end of the guarantee period for the performed works, on the basis of the final official reception report.</p> <p>Final official reception reports can be drawn up for some parts of the works as well, provided these are physically and functionally unconnected.</p>
na	na	na	na	46	<p>Article 46</p> <p>(1) The candidate/tenderer does not have the right, within the same procedure, to:</p> <ul style="list-style-type: none"> <li>a) participate in two or more associations of economic operators;</li> <li>b) submit the individual tender and another common tender;</li> <li>c) submit the individual tender and be named as subcontractor within another tender.</li> </ul> <p>(2) Affiliated undertakings have the right participate within the same awarding procedure, but only in the case when their participation does not distort competition.</p> <p>(3) To the meaning of the provisions in article 46(2), "affiliated undertaking" means any entity:</p> <ul style="list-style-type: none"> <li>a) that can be subject to a directly or indirectly dominant influence exerted by another entity;</li> <li>b) that can exert a dominant influence over another entity; or</li> <li>c) as a consequence of being</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					associated with an entity, is under the dominant influence of another entity.
na	na	na	na	66	<p>Section 8 Rules to avoid the conflict of interests</p> <p>Article 66 During the application of the awarding procedure, the contracting authority has the obligation to take all necessary measures to avoid the situations that can lead to a conflict of interests and/or unfair competition.</p>
na	na	na	na	67 (amended by L337/2006, point 19)	<p>Article 67 <i>The natural or legal person that participated at the elaboration of the tender documentation has the right , as the economic operator, to be tenderer, associated tenderer or subcontractor, only in the case when its involvement in the elaboration of the tender documentation does not distort the competition.</i></p>
na	na	na	na	68 (amended by L337/2006, point 20)	<p>Article 68 <i>The natural or legal persons who are directly involved in the process of verification/evaluation of the candidatures/tenders have no right to be candidates, tenderers, associated tenderers or subcontractors, under the sanction of the exclusion from the awarding procedure.</i></p>
na	na	na	na	69 (amended	<p>Article 69 The following persons have no right</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
				by L337/2006, point 21)	to be involved in the verification/evaluation of the tenders/candidatures: a) <i>persons holding part of the equity, parts of interest or shares of one of the tenderers/candidates or subcontractors or persons that are member in Board of Directors/Management or Supervising Body of one of the tenderers/candidates or subcontractors;</i> b) husband/wife or relatives, in-laws, up to the fourth degree, in relation with one of the persons that are member in Board of Directors/Management or Supervising Body of one of the tenderers/candidates; c) <i>persons that find themselves in a situation that could affect their impartiality during the verification/evaluation process of the tenders/candidatures.</i>
na	na	na	na	70	Article 70 The contractor has no right, in order to perform the public procurement contract, to employ natural or legal persons which have been involved in the evaluation/verification process of the tenders/candidatures submitted within the application of awarding procedure, during at least 12 months after the conclusion of the contract,

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					under the sanction of the annulment of this contract on grounds of immoral clause.
na	na	13.1	<p>Article 13 Confidentiality</p> <p>1. In the context of provision of technical specifications to interested economic operators, of qualification and selection of economic operators and of award of contracts, contracting entities may impose requirements with a view to protecting the confidential nature of information which they make available.</p>	na	na
6	<p>Article 6 Confidentiality</p> <p>Without prejudice to the provisions of this Directive, in particular those concerning the obligations relating to the advertising of awarded contracts and to the information to candidates and tenderers set out in <a href="#">Articles 35(4)</a> and <a href="#">41</a>, and in accordance with the national law to which the contracting authority is subject, the contracting authority shall not disclose information forwarded to it by economic operators which they have designated as confidential; such information includes, in particular, technical or trade secrets and the confidential aspects of</p>	13.2	<p>2. Without prejudice to the provisions of this Directive, in particular those concerning the obligations relating to the advertising of awarded contracts and to the information to candidates and tenderers set out in <a href="#">Articles 43</a> and <a href="#">49</a>, and in accordance with the national law to which the contracting entity is subject, the contracting authority shall not disclose information forwarded to it by economic operators which they have designated as confidential; such information includes, in particular, technical or trade secrets and the confidential aspects of tenders.</p>	24	<p>Article 24</p> <p>Without prejudice to the other provisions of the present law, the contracting authority has the obligation to ensure the protection of the information which the economic operator has designed as confidential, insofar, objectively, the disclosure of this information would prejudice the legitimate interest of the economic operator, in particular where the commercial secrecy and intellectual property is concerned.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	tenders.				
na	na	na	na	124	<p>Section 7 Request for tenders</p> <p>Article 124 The contracting authority has the right to apply the request for tender procedure only if the estimated value of the public procurement contract, net of VAT, is lower than the equivalent in RON of the following threshold:</p> <ul style="list-style-type: none"> <li>a) for the supply contract: 40.000 euro</li> <li>b) for the services contract: 40.000 euro</li> <li>c) for the works contract: 250.000 euro</li> </ul>
na	na	na	na	125	<p>Article 125</p> <p>(1) Beginning with January, 1st 2007, the request for tenders is initialised by publishing a participation invitation to the awarding procedure in the ESPP.</p> <p>(2) The participation invitation shall contain at least the following information:</p> <ul style="list-style-type: none"> <li>a) the deadline established for tender receiving;</li> <li>b) the address to which the tenders will be submitted;</li> <li>c) the language/ languages in which the tender shall be elaborated;</li> <li>d) a short description of the object</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>of the public procurement contract that is to be awarded;</p> <p>e) the means of obtaining the tender documentation.</p> <p>(3) In case the tender documentation is directly accessible by electronic means, the contracting authority has the obligation to insert in the participation invitation information regarding the ways of accessing the respective documentation.</p>
na	na	na	na	126	<p>Article 126</p> <p>(1) Until December, 31st 2006, the contracting authority has the right not to publish the participation invitation in ESPP, provided that it is sent to at least 3 economic operators.</p> <p>(2) Beginning with January, 1st 2007, the contracting authority, has the right, in strongly justified cases, to request to the National Authority for Regulating and Monitoring Public Procurement the approval for a derogation from the obligation provided at <a href="#">art. 125 paragraph (1)</a>, for a period of time that cannot surpass 12 months from the date of entering in force of the present law.</p> <p>(3) The National Authority for Regulating and Monitoring Public Procurement has the right to reject the request for obtaining a derogation in the case when it is not properly motivated.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	127	<p>Article 127</p> <p>(1) Without prejudice to art. 71, in the case provided by <a href="#">art. 125, paragraph (1)</a>, the contracting authority has the obligation to publish the participation invitation with at least 10 days before the time-limit for submitting the tenders.</p> <p>(2) If the contracting authority publishes in the ESPP the whole tender documentation and allows, starting with the date of publication of the participation invitation a direct and non restrictive access of economic operators to this documentation, then the contracting authority has the right to reduce the period provided by paragraph (1) with 4 days in the case of awarding a supply contract with reduced complexity.</p> <p>(3) The ESPP operator has the obligation to publish the participation invitation and, if case, the tender documentation, in no more than one day from the date of receiving.</p>
na	na	na	na	128	<p>Article 128</p> <p>(1) Without prejudice to <a href="#">art. 71</a>, in the case provided by <a href="#">art. 126 paragraph (1)</a>, the contracting authority has the obligation to send the participation invitation with at least 12 days before the time-limit for submitting the tenders.</p>
na	na	na	na	129	Article 129

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					(1) The contracting authority has the obligation to open the tenders on the time and place indicated in the participation invitation.
na	na	na	na	130	<p>Article 130</p> <p>(1) In the case provided by <a href="#">art. 126 paragraph (1)</a>, the contracting authority has the obligation to cancel the request for tenders, if after transmitting the participation invitation a minimum number of 2 suitable tenders have not been submitted.</p> <p>(2) In the case provided at paragraph (1), after cancelling the request for tenders, the contracting authority has the obligation to send the participation invitation also to other economic operators if it wants to apply a new request for tenders. In case when, after applying a new procedure, the contracting authority receives only a single suitable tender, then it has the right to award the public procurement contract to respective tenderer.</p>
7.a-b	<p>CHAPTER II</p> <p>Scope</p> <p>Section 1</p> <p>Thresholds</p> <p>Article 7</p> <p>Threshold amounts for public contracts</p> <p>This Directive shall apply to public</p>	16.a	<p>Article 16</p> <p>Contract thresholds</p> <p>Save where they are ruled out by the exclusions in Articles 19 [20, 21, 22, 23, 24, 25] to 26 or pursuant to <a href="#">Article 30</a>, concerning the pursuit of the activity in question, this Directive shall apply to contracts which have a value excluding value-</p>	9.a-b	<p>Section 5</p> <p>Scope, Exceptions</p> <p>Article 9</p> <p>This law is applied with regard to:</p> <p>a) awarding of the public procurement contract, including the sectoral contract, in the second case being applicable the provisions of <a href="#">Chapter</a></p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>contracts which are not excluded in accordance with the exceptions provided for in <a href="#">Articles 10</a> and <a href="#">11</a> and <a href="#">Articles 12</a> [<a href="#">13</a>, <a href="#">14</a>, <a href="#">15</a>, <a href="#">16</a>, <a href="#">17</a>] to <a href="#">18</a> and which have a value exclusive of value-added tax (VAT) estimated to be equal to or greater than the following thresholds:</p> <p>(a) <i>EUR 137000</i> for public supply and service contracts others than those covered by point (b), third indent, awarded by contracting authorities which are listed as central government authorities in <a href="#">Annex IV</a>; in the case of public supply contracts awarded by contracting authorities operating in the field of defence, this shall apply only to contracts involving products covered by <a href="#">Annex V</a>;</p> <p>(b) <i>EUR 211000</i></p> <ul style="list-style-type: none"> <li>- for public supply and service contracts awarded by contracting authorities other than those listed in <a href="#">Annex IV</a>,</li> <li>- for public supply contracts awarded by contracting authorities which are listed in <a href="#">Annex IV</a> and operate in the field of defence, where these contracts involve products not covered by <a href="#">Annex V</a>,</li> <li>- for public service contracts awarded by any contracting authority in respect of the services</li> </ul>		<p>added tax (VAT) estimated to be no less than the following thresholds:</p> <p>(a) <i>EUR 422000</i> in the case of supply and service contracts;</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>		<p><a href="#">VIII</a>;</p> <p>b) concluding of the framework agreement;</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>listed in Category 8 of <a href="#">Annex IIA</a>, Category 5 telecommunications services the positions of which in the CPV are equivalent to CPC reference Nos 7524, 7525 and 7526 and/or the services listed in <a href="#">Annex II B</a>;</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>				
7.c	<p>(c) <i>EUR 5278000</i> for public works contracts.</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>	16.b	<p>(b) <i>EUR 5278000</i> in the case of works contracts.</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>	see 9.a-b	na
8.1-2	<p>Article 8 Contracts subsidised by more than 50 % by contracting authorities This Directive shall apply to the awarding of: (a) contracts which are subsidised directly by contracting authorities by more than 50 % and the estimated value of which, net of VAT, is equal to or greater than <i>EUR 5278000</i>, - where those contracts involve</p>	na	na	9.c-d (9.c amended by L337/2006, point 8)	<p>c) <i>awarding the public procurement contract by an economic operator, in the case that the respective contract is directly financed/subsidized more than 50% by a contracting authority;</i> d) <i>awarding the public procurement contract by a contracting authority in the name of and for another natural/legal person, in the case that the respective contract is directly financed/subsidized more than 50% by a contracting authority;</i></p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>civil engineering activities within the meaning of <a href="#">Annex I</a>,</p> <p>- where those contracts involve building work for hospitals, facilities intended for sports, recreation and leisure, school and university buildings and buildings used for administrative purposes;</p> <p>(b) service contracts which are subsidised directly by contracting authorities by more than 50 % and the estimated value of which, net of VAT, is equal to or greater than <i>EUR 211000</i> and which are connected with a works contract within the meaning of point (a).  <i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>				
na	na	na	na	19 (amended by L337/2006, point 15)	<p>Article 19</p> <p><i>The contracting authority has the right to directly purchase products, works or services, with a value that does not exceed, taking into account the provisions of <a href="#">Chapter II, Section 2</a>, the equivalent of 5000 Euro without VAT, for each product, works or services. The purchase is performed only on the basis of a proof document, which in this case is the public procurement contract; the obligation to observe the provisions of this law is limited to the stipulations of</i></p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	(Article 104 of GD-925/2006)	<p><i>article 204 (2).</i></p> <p>Article 104 The award of the public procurement contracts the value of which is lower than the threshold provided in article 19 of the emergency ordinance can be also performed through SEAP, starting with the 1st of January 2007.</p> <p>Article 105 The public IT system provided by article 58 (1) of the emergency ordinance shall be operated by the Agency for Governmental Strategies and shall be available at the <a href="http://www.publicitatepublica.ro">www.publicitatepublica.ro</a> web page.</p>
8.3	Member States shall take the necessary measures to ensure that the contracting authorities awarding such subsidies ensure compliance with this Directive where that contract is awarded by one or more entities other than themselves or comply with this Directive where they themselves award that contract for and on behalf of those other entities.	na	na	10	<p>Article 10 In the case stipulated by <a href="#">Article 9, letter c</a>), the contracting authority has the obligation to impose, by the financing agreement, the application of this law provisions for awarding the respective public procurement contracts.</p>
9.1.1	<p>Article 9 Methods for calculating the estimated value of public contracts, framework agreements and dynamic purchasing systems 1. The calculation of the</p>	17.1.1	<p>Article 17 Methods of calculating the estimated value of contracts, framework agreements and dynamic purchasing systems 1. The calculation of the</p>	25.1	<p>Section 2 Rules for estimating the value of the public procurement contract</p> <p>Article 25 (1) The contracting authority has</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	estimated value of a public contract shall be based on the total amount payable, net of VAT, as estimated by the contracting authority. This calculation shall take account of the estimated total amount, including any form of option and any renewals of the contract.		estimated value of a contract shall be based on the total amount payable, net of VAT, as estimated by the contracting entity. This calculation shall take account of the estimated total amount, including any form of option and any renewals of the contract.		the obligation to estimate the value of the public procurement contract on the basis of calculation and addition of all payable amounts for carrying out the respective contract, without VAT, taking into account any form of option and any eventual renewals or increase of contract value insofar as these can be anticipated at the estimation time.
9.1.2	Where the contracting authority provides for prizes or payments to candidates or tenderers it shall take them into account when calculating the estimated value of the contract.	17.1.2	Where the contracting entity provides for prizes or payments to candidates or tenderers it shall take them into account when calculating the estimated value of the contract.	25.2	(2) When the contracting authority provides, according to the present law, the possibility to award certain prizes for candidates/tenderers, then it shall include them when calculating the estimated value of the public procurement contract.
9.2	2. This estimate must be valid at the moment at which the contract notice is sent, as provided for in <a href="#">Article 35(2)</a> , or, in cases where such notice is not required, at the moment at which the contracting authority commences the contract awarding procedure.	na	na	26	Article 26 The estimated value of the public procurement contract shall be calculated before the procedure for awarding the respective contract is initiated. This estimate must be valid at the moment at which the participation notice is sent or, in cases where such notices are not required, at the moment at which the invitation for participation is sent.
9.3	3. No works project or proposed purchase of a certain quantity of supplies and/or services may be subdivided to prevent its coming within the scope of this Directive.	17.2	2. Contracting entities may not circumvent this Directive by splitting works projects or proposed purchases of a certain quantity of supplies and/or services or by using special methods for calculating the	23	Article 23 The contracting authority does not have the right to divide the public procurement contract in more distinct contracts with lower value, nor to use methods for calculating the estimated

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			estimated value of contracts.		value of the contracts for obtaining an under-evaluation of the estimated value of the contract, with the purpose to avoid the application of the provisions of the present law.
9.4	4. With regard to public works contracts, calculation of the estimated value shall take account of both the cost of the works and the total estimated value of the supplies necessary for executing the works and placed at the contractor's disposal by the contracting authorities.	17.4	4. For the purposes of <a href="#">Article 16</a> , contracting entities shall include in the estimated value of a works contract both the cost of the works and the value of any supplies or services necessary for the execution of the works, which they make available to the contractor.	29.1	Article 29 (1) In case the contracting authority intends to purchase works for which it will provide the executor with supplies, machinery, technological equipments or any other fitting-out or endowments needed for the execution of works, then the estimated value of the respective works contract will include the cost of the works as well as the total estimated value of the mentioned facilities.
na	na	na	na	29.2	(2) In case when the object of the work contract is the execution of an assemble of works which, on a case by case basis, requires also supplying equipments, installations, tools or other afferent endowments, then the estimated value is determined by taking into consideration the total value of the entire assemble.
na	na	17.5	5. The value of supplies or services which are not necessary for the performance of a particular works contract may not be added to the value of the works contract when to do so would result in removing the procurement of those supplies or	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			services from the scope of this Directive.		
9.5.a.1	5. (a) Where a proposed work or purchase of services may result in contracts being awarded at the same time in the form of separate lots, account shall be taken of the total estimated value of all such lots.	17.6.a.1	6. (a) Where a proposed work or purchase of services may result in contracts being awarded at the same time in the form of separate lots, account shall be taken of the total estimated value of all such lots.	28.3.s1 & 29.3.s1	(3) In the case when the contracting authority intends to purchase similar services, but divided on lots whose purchase is accomplished by awarding more than one distinct services contracts, then the estimated value is considered to be the cumulated value of all lots.  (3) In the case when the execution of a certain work is possible on lots, for which the contracting authority intends to award to one or more executors distinct work contracts, then the estimated value must be determined by taking into account the cumulated value of all lots.
9.5.a.2	Where the aggregate value of the lots is equal to or exceeds the threshold laid down in <a href="#">Article 7</a> , this Directive shall apply to the awarding of each lot.	17.6.a.2	Where the aggregate value of the lots is equal to or exceeds the threshold laid down in <a href="#">Article 16</a> , this Directive shall apply to the awarding of each lot.	na	na
9.5.a.3	However, the contracting authorities may waive such application in respect of lots the estimated value of which net of VAT is less than EUR 80000 for services or EUR 1 million for works, provided that the aggregate value of those lots does not exceed 20 % of the aggregate value of the lots as a whole.	17.6.a.3	However, the contracting entities may waive such application in respect of lots the estimated value of which, net of VAT, is less than EUR 80000 for services or EUR 1 million for works, provided that the aggregate value of those lots does not exceed 20 % of the aggregate value of the lots as a whole.	na	na
na	na	na	na	28.3.s2 &	In the case when the cumulated value

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
				29.3.s2	<p>of all lots exceeds the threshold stipulated by <a href="#">Article 124. letter b)</a>, then the contracting authority has the right to apply the request for tenders procedure only for the lots that cumulatively accomplish the following conditions:</p> <p>a) the estimated value, net of TVA of the respective lot is lower than/equal with lei equivalency of 40.000 euro;</p> <p>b) the cumulated value of the lots for which the request for tenders is applied, does not exceed 20% of the total value of the services that are to be performed.</p> <p>In case that the cumulated value of all lots exceeds the threshold provided by <a href="#">Article 124. letter c)</a>, then the contracting authority has the right to apply the request for tenders procedure only for the lots that cumulatively accomplish the following conditions:</p> <p>a) the estimated value, without VAT, of the respective lot is lower than/or equal with the equivalency in lei of 250.000 euro;</p> <p>b) the estimated cumulated value of the objects/lots for which the present exception is applied does not exceed 20% of the total estimation value of the works.</p>
9.5.b.1	(b) Where a proposal for the	17.6.b.1	(b) Where a proposal for the	27.5.s1	(5) In the case when the contracting

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	acquisition of similar supplies may result in contracts being awarded at the same time in the form of separate lots, account shall be taken of the total estimated value of all such lots when applying <a href="#">Article 7(a) and (b)</a> .		acquisition of similar supplies may result in contracts being awarded at the same time in the form of separate lots, account shall be taken of the total estimated value of all such lots when applying <a href="#">Article 16</a> .		authority intends to purchase similar products, but divided on lots whose purchase is accomplished by awarding more distinct supply contract, then the estimated value is considered to be the cumulated value of all lots.
9.5.b.2	Where the aggregate value of the lots is equal to or exceeds the threshold laid down in <a href="#">Article 7</a> , this Directive shall apply to the awarding of each lot.	17.6.b.2	Where the aggregate value of the lots is equal to or exceeds the threshold laid down in <a href="#">Article 16</a> , this Directive shall apply to the awarding of each lot.	na	na
9.5.b.3	However, the contracting authorities may waive such application in respect of lots, the estimated value of which, net of VAT, is less than EUR 80000, provided that the aggregate cost of those lots does not exceed 20 % of the aggregate value of the lots as a whole.	17.6.b.3	However, the contracting entities may waive such application in respect of lots, the estimated value of which, net of VAT, is less than EUR 80000, provided that the aggregate cost of those lots does not exceed 20 % of the aggregate value of the lots as a whole.	na	
				27.5.s2	In the case when the cumulated value of all lots exceeds the threshold provided for by <a href="#">Article 124, letter a)</a> , then the contracting authority has the right to apply the request of tender procedure only for the lots which cumulatively comply with the following conditions: <ul style="list-style-type: none"> <li>a) estimated value, without VAT, of the respective lot is lower or equal with equivalency in lei of 40.000 euro;</li> <li>b) the cumulated value of all lots for which is applied the request for tender procedure does not exceed 20% of</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					the total value of products that are to be supplied.
na	na	17.8	8. The basis for calculating the estimated value of a contract including both supplies and services shall be the total value of the supplies and services, regardless of their respective shares. The calculation shall include the value of the siting and installation operations.	na	na
				27.1	Article 27 (1) In the case when, by awarding the supply contract, the contracting authority intends to obtain products that also imply operations/works of installation and setting up in order to function, then the estimated value of this contract shall include the estimated value of the respective operations.
na	na	na	na	27.2	(2) In the case when, at the estimation time of the supply contract value, the contracting authority has not established the method to purchase the products, respectively by purchasing them, including by instalments, rental or leasing with or without the option to buy, then the estimated value of this contract must be considered as equal with the highest value of the values that correspond to each method of obtaining the products.



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
9.6.s1	6. With regard to public supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value shall be as follows:	17.9.s1	9. With regard to supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value shall be as follows:	27.3.s1	(3) In the case when, at the estimation time of the supply contract value, the contracting authority has established the method to purchase the products, respectively by rental, hire-purchase or leasing with or without the option to buy, then the estimation method varies, depending on the duration of the respective contract, as follows:
9.6.a.p1	(a) in the case of fixed-term public contracts, if that term is less than or equal to 12 months, the total estimated value for the term of the contract or, .....	17.9.a.p1	(a) in the case of fixed-term contracts, if that term is less than or equal to 12 months, the total estimated value for the term of the contract or, .....	27.3.a	a) in the case of a fixed-term contract, if the duration of the contract is lower or equal to 12 months, then the estimated value must be calculated by taking into consideration all instalments payable during the respective contract;
9.6.a.p2	..... if the term of the contract is greater than 12 months, the total value including the estimated residual value;	17.9.a.p2	..... if the term of the contract is greater than 12 months, the total value including the estimated residual value;	27.3.b	b) in the case of a fixed-term contract, if the duration of the contract is greater than 12 months, then the estimated value must be calculated by taking into consideration all instalments payable during the respective contract, adding also the estimated residual value of products at the end of the period for which the contract has been concluded;
9.6.b	(b) in the case of public contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.	17.9.b	(b) in the case of contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.	27.3.c	c) in the case of a contract without fixed-term or the duration of the contract cannot be determined at the estimation time, then the estimated value must be calculated by multiplying the monthly value that

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
9.7.1	<p>7. In the case of public supply or service contracts which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated contract value shall be based on the following:</p> <p>(a) either the total actual value of the successive contracts of the same type awarded during the preceding 12 months or financial year adjusted, if possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract;</p> <p>(b) or the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year if that is longer than 12 months.</p>	17.7	<p>7. In the case of supply or service contracts which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated contract value shall be based on the following:</p> <p>(a) either the total actual value of the successive contracts of the same type awarded during the preceding twelve months or financial year adjusted, if possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract;</p> <p>(b) or the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year if that is longer than 12 months.</p>	27.4 & 28.2	<p>must be paid with 48.</p> <p>(4) In the case when the contracting authority intends to award a supply contract which must be renewed within a certain period of time, then the estimation of the value of this contract must have as a calculation base:</p> <p>a) either the total value of the all successive supply similar contracts of some, awarded in last 12 months, adjusted, if is possible, with predictable modifications that can occur in the following 12 months on purchased quantities and afferent values;</p> <p>b) or, the total estimated value of the all successive similar supply contracts of that are anticipated to be awarded in the following 12 months, starting with the moment of the first delivery.</p> <p>(2) In the case when the contracting authority intends to award a services contract which must be renewed during a given period, then the value of this contract must have as a calculation base:</p> <p>a) either the total updated value of the all successive similar services contracts awarded in last 12 months, adjusted, if possible, with predictable modifications that can occur in the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					following 12 months regarding the purchased quantities and afferent values; b) or, the total estimated value of the all successive similar services contracts that are anticipated to be awarded in the following 12 months, beginning with the moment of the first performance.
9.7.2	The choice of method used to calculate the estimated value of a public contract may not be made with the intention of excluding it from the scope of this Directive.	na	na	See RO-23	na
9.8.a.i	8. With regard to public service contracts, the value to be taken as a basis for calculating the estimated contract value shall, where appropriate, be the following: (a) for the following types of services: (i) insurance services: the premium payable and other forms of remuneration;	17.10	10. For the purposes of calculating the estimated contract value of service contracts, the following amounts shall, where appropriate, be taken into account: (a) the premium payable, and other forms of remuneration, in the case of insurance services;	28.4	(4) In the case when, the contracting authority intends to purchase insurance services, then the estimated value of these services contracts shall be calculated on the basis of insurance premiums that are to be paid, as well as any other forms of remuneration afferent to the respective services.
9.8.a.ii	(ii) banking and other financial services: the fees, commissions, interest and other forms of remuneration;		(b) fees, commissions, interest and other modes of remuneration, in the case of banking and other financial services;	28.5	(5) In the case when, the contracting authority intends to purchase banking services or other financial services, then the estimated value of these services contracts shall be calculated on the basis of the fees, commissions, interests and any other forms of remunerations afferent to respective services.
9.8.a.iii	(iii) design contracts: fees,		(c) fees, commissions payable	28.6	(6) In the case when the contracting

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	commission payable and other forms of remuneration;		and other forms of remuneration, in the case of contracts involving design tasks.		authority intends to purchase design services, town design, landscape architecture, engineering and other technical services, then the estimated value of these services contracts shall be calculated on the basis of the fees/commissions that are to be paid and any other remuneration forms afferent to respective services.
9.8.b	(b) for service contracts which do not indicate a total price: (i) in the case of fixed-term contracts, if that term is less than or equal to 48 months: the total value for their full term; (ii) in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.	17.11	11. In the case of service contracts which do not indicate a total price, the value to be used as the basis for calculating the estimated contract value shall be: (a) in the case of fixed-term contracts, if that term is less than or equal to 48 months: the total value for their full term; (b) in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.	28.1	Article 28 (1) In the case when, the contracting authority intends to award a services contract for which the total price cannot be anticipated but the estimation of a monthly average tariff is possible, then the estimation method varies depending on the duration of the respective contract, as follows: a) in the case of a fixed-term contract, when the duration does not exceed 48 months, the estimated value must be calculated taking into account the whole duration of the contract; b) in the case of a contract without fixed-term or when the duration exceeds 48 months, the estimated value must be calculated by multiplying the monthly value with 48.
9.9	9. With regard to framework agreements and dynamic purchasing systems, the value to be taken into consideration shall be the maximum estimated value net of	17.3	3. With regard to framework agreements and dynamic purchasing systems, the estimated value to be taken into consideration shall be the maximum estimated	31 & 32	Article 31 In the case when the contracting authority intends to conclude a framework agreement, then the estimated value is calculated by

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	VAT of all the contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.		value net of VAT of all the contracts envisaged for the total term of the agreement or system.		adding the maximum estimated value of all public procurement contracts intended to be awarded on the basis of that framework agreement for its total term.  Article 32 In the case when the contracting authority intends to use a dynamic purchasing system, then the estimated value is calculated by adding the maximum estimated value of all public procurement contracts intended to be awarded by using that dynamic purchasing system for its total term.
10	Section 2 Specific situations  Article 10 Defence procurement This Directive shall apply to public contracts awarded by contracting authorities in the field of defence, subject to <a href="#">Article 296 of the Treaty</a> .	na	na	11	Article 11 (1) A contracting authority in the field of national defence has the obligation to respect the provisions of this law, subject to the cases which: a) may lead to supplying the information the disclosure of which it considers contrary to the essential security interests of the country; or b) implied the protection of essential security interests of the country which are connected with the production of or trade of arms, ammunitions and materials/systems of war. (2) The Government, by government decision, has the right to decide the specific circumstances and

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					procedures to be applied for awarding the public procurement contracts in cases provided by paragraph (1) let. a) and b). (3) The application of the provisions of paragraphs (1) and (2) should not lead to affect the competition on the market of products or services that are not intended for specific military purpose.
11.1	Article 11 Public contracts and framework agreements awarded by central purchasing bodies 1. Member States may stipulate that contracting authorities may purchase works, supplies and/or services from or through a central purchasing body.	29.1	Article 29 Contracts and framework agreements awarded by central purchasing bodies 1. Member States may prescribe that contracting entities may purchase works, supplies and/or services from or through a central purchasing body.	22.1	Article 22 (1) The Government has the right to approve by means of government decision the designing and implementation of a centralized national system intended for the specialized purchase of particular products, services or works from or through a central purchasing body.
11.2	2. Contracting authorities which purchase works, supplies and/or services from or through a central purchasing body in the cases set out in <a href="#">Article 1(10)</a> shall be deemed to have complied with this Directive insofar as the central purchasing body has complied with it.	29.2	2. Contracting entities which purchase works, supplies and/or services from or through a central purchasing body in the cases set out in <a href="#">Article 1(8)</a> shall be deemed to have complied with this Directive insofar as the central purchasing body has complied with it or, where appropriate, with Directive 2004/18/EC.	22.3	(3) It is considered that the contracting authority which purchase supplies, services and/or works from or through a central purchasing unit body have complied with the provisions of the present law insofar the central purchasing body has complied with them when it carried out the activities provided at <a href="#">paragraph (2)</a> .
12.1.p1	Section 3 Excluded contracts  Article 12 Contracts in the water, energy,	na	na	na	na

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	<p>transport and postal services sectors</p> <p>This Directive shall not apply to public contracts which, under Directive 2004/17/EC, are awarded by contracting authorities exercising one or more of the activities referred to in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> of that Directive .....</p>				
12.1.p2	..... and are awarded for the pursuit of those activities, .....	na	na	na	na
12.1.p3	..... or to public contracts excluded from the scope of that Directive under Article 5(2) and Articles 19, 26 and 30 thereof.			na	na
12.2	<p>However, this Directive shall continue to apply to public contracts awarded by contracting authorities carrying out one or more of the activities referred to in <a href="#">Article 6 of Directive 2004/17/EC</a> and awarded for those activities, insofar as the Member State concerned takes advantage of the option referred to in the second subparagraph of <a href="#">Article 71</a> thereof to defer its application.</p>	na	na	na	na
13	<p>Article 13</p> <p>Specific exclusions in the field of telecommunications</p> <p>This Directive shall not apply to public contracts for the principal purpose of permitting the contracting authorities to provide or</p>	na	na	na	na

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	exploit public telecommunications networks or to provide to the public one or more telecommunications services.				
na	na	3.1	<p>Section 2 Activities</p> <p>Article 3 Gas, heat and electricity 1. As far as gas and heat are concerned, this Directive shall apply to the following activities: (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat; or (b) the supply of gas or heat to such networks.</p>	235 (amended by L337/2006, point 32)	<p>Paragraph 3 Energy</p> <p>Article 235 It is considered to be relevant activities in the public utilities sector provided for by <a href="#">article 229, paragraph (2) letter b)</a> the following: a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas, heat or electricity; b) <i>the delivery (furnishing) of gas, heat or electricity to those networks provided for by letter a).</i></p>
na	na	3.2	<p>2. The supply of gas or heat to networks which provide a service to the public by a contracting entity other than a contracting authority shall not be considered a relevant activity within the meaning of paragraph 1 where: (a) the production of gas or heat by the entity concerned is the unavoidable consequence of carrying out an activity other than those referred to in <a href="#">paragraphs 1 or 3</a> of this Article or in <a href="#">Articles 4 [5, 6]</a> to <a href="#">7</a>; and</p>	236 (amended by L337/2006, point 33)	<p>Article 236 <i>The delivery of gas or heat to the networks with destination to the public, by a contracting authority defined by <a href="#">article 8 letter d) or e)</a>, it is not considered relevant activity in the purpose of <a href="#">article 235</a> if the following conditions are cumulatively accomplished:</i> a) <i>the economic operator produces heat or gas as an unavoidable consequence of carrying out an activity other than that defined in this law as relevant activity;</i></p>



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			(b) supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 % of the entity's turnover having regard to the average for the preceding three years, including the current year.		<i>b) the delivery of gas or heat to the public network is aimed only at the economic exploitation of such production and amounts to no more than 20% of the entity's turnover having regard to the average for the preceding three years, including the current year</i>
na	na	3.3	3. As far as electricity is concerned, this Directive shall apply to the following activities: (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity; or (b) the supply of electricity to such networks.	See <a href="#">RO-235</a>	na
na	na	3.4	4. The supply of electricity to networks which provide a service to the public by a contracting entity other than a contracting authority shall not be considered a relevant activity within the meaning of paragraph 3 where: (a) the production of electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in <a href="#">paragraphs 1 or 3</a> of this Article or in <a href="#">Articles 4 [5, 6] to 7</a> ; and (b) supply to the public network depends only on the entity's own	237 (amended by L337/2006, point 34)	Article 237 <i>The (furnishing) supply of electricity to the public networks, by a contracting authority defined by <a href="#">article 8 letters d) or e)</a> is not considered relevant activity in the purpose of <a href="#">article 235</a> if the following conditions are cumulatively accomplished:</i> <i>a) the economic operator produces electricity for ensuring the own consumption needed to perform an activity other than those defined in this law as relevant activities;</i> <i>b) the (furnishing) supply to the public network depends only on the entity's own consumption and has not</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			consumption and has not exceeded 30% of the entity's total production of energy, having regard to the average for the preceding three years, including the current year.		<i>exceeded 30% of the entity's total production of electricity, having regard to the average for the preceding three years, including the current year.</i>
na	na	4.1	<p>Article 4 Water</p> <p>1. This Directive shall apply to the following activities:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water; or</p> <p>(b) the supply of drinking water to such networks.</p>	232	<p>Paragraph 2 Water</p> <p>Article 232</p> <p>It is considered to be relevant activities in the public utilities sector provided for by <a href="#">article 229, paragraph (2) letter a)</a> the following:</p> <p>a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water;</p> <p>b) the supply of drinking water to those networks provided for by letter a).</p>
na	na	4.2	<p>2. This Directive shall also apply to contracts or design contests awarded or organised by entities which pursue an activity referred to in paragraph 1 and which:</p> <p>(a) are connected with hydraulic engineering projects, irrigation or land drainage, provided that the volume of water to be used for the supply of drinking water represents more than 20 % of the total volume of water made available by such projects or irrigation or drainage</p>	233	<p>Article 233</p> <p>The contracting authority that performs one of the activities provided for by <a href="#">article 232</a>, has the obligation to observe the provisions of this chapter when it awards a contract or organize a design contest that is connected with:</p> <p>a) hydraulic engineering projects, irrigations or land drainage, on condition that the volume of used water for supply the drinking water represent more than 20% of the total</p>

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			installations, or (b) are connected with the disposal or treatment of sewage.		volume of water made available through this projects or installations for irrigation or drainage; or b) disposal or treatment of sewage.
na	na	4.3	<p>3. The supply of drinking water to networks which provide a service to the public by a contracting entity other than a contracting authority shall not be considered a relevant activity within the meaning of <a href="#">paragraph 1</a> where:</p> <p>(a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in Articles <a href="#">3</a> [<a href="#">4</a>, <a href="#">5</a>, <a href="#">6</a>] to <a href="#">7</a>; and</p> <p>(b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 % of the entity's total production of drinking water, having regard to the average for the preceding three years, including the current year.</p>	234	<p>Article 234</p> <p>The supply of drinking water to the public networks, by a contracting authority defined by <a href="#">article 8 letter d) or e)</a>, it is not considered relevant activity in the purpose of <a href="#">article 232</a> if the following conditions are cumulatively accomplished:</p> <p>a) the production of drinking water takes place because its consumption is destined for performing another activity than those defined in this law as being relevant activity;</p> <p>b) the supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of drinking water, having regard to the average for the preceding three years, including the current year.</p>
na	na	5.1	<p>Article 5</p> <p>Transport services</p> <p>1. This Directive shall apply to activities relating to the provision or operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable.</p> <p>As regards transport services, a</p>	238 (amended by L337/2006, point 35)	<p>Paragraph 4</p> <p>Transport services</p> <p>Article 238</p> <p>(1) <i>It is considered to be relevant activities in the public utilities sector provided for by article <a href="#">229, paragraph (2) letter c)</a> the provision or the operation of networks intended to ensure the provision of services for</i></p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of a Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.		<i>the benefit of the public, in the field of railways transportation, and services passengers road transport, based on schedule, such as bus, tram, tube, trolley bus or cable transport.</i> (2) In the purpose of paragraph (1) provisions, it is considered that there is a network for providing transportations services, in the case when the operation conditions – such as the condition on the routs to be served, the capacity made available or frequency of the service - are pre-established by a competent authority.
na	na	5.2	2. This Directive shall not apply to entities providing bus transport services to the public which were excluded from the scope of <a href="#">Directive 93/38/EEC pursuant to Article 2(4)</a> thereof.	239 (amended by L337/2006, point 36)	Article 239 <i>Provision of the transportation services carried out with buses is not considered to be relevant activity when other entities have the right to provide the same services, in the same geographical area under the same conditions as the contracting authorities.</i>
		6.1	Article 6 Postal services 1. This Directive shall apply to activities relating to the provision of postal services or, on the conditions set out in <a href="#">paragraph 2(c)</a> , other services than postal services.	240.1.s1	Paragraph 5 Postal services  Article 240 (1) It is considered to be relevant activities in the public utilities sector provided for by <a href="#">article 229, paragraph (2) letter d)</a> , the supply of the following services:
		6.2.a-b	2. For the purpose of this Directive and without prejudice to <a href="#">Directive</a>	240.1.a	a) postal services, whether are reserved or not, in the meaning of

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			<p><a href="#">97/67/EC</a>:</p> <p>(a) "postal item": means an item addressed in the final form in which it is to be carried, irrespective of weight. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value, irrespective of weight;</p> <p>(b) "postal services": means services consisting of the clearance, sorting, routing and delivery of postal items. These services comprise:</p> <ul style="list-style-type: none"> <li>- "reserved postal services": postal services which are or may be reserved on the basis of <a href="#">Article 7 of Directive 97/67/EC</a>,</li> <li>- "other postal services": postal services which may not be reserved on the basis of <a href="#">Article 7 of Directive 97/67/EC</a>; and</li> </ul>		<p><a href="#">article 12 of the Government Ordinance no. 31/2002</a> regarding the postal service with subsequent modifications and completions, respectively the services consisting of the clearance, sorting, routing and delivery of postal items - correspondence, books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value - irrespective of weight;</p>
		6.2.c.i1	<p>(c) "other services than postal services": means services provided in the following areas:</p> <ul style="list-style-type: none"> <li>- mail service management services (services both preceding and subsequent to despatch, such as "mailroom management services"),</li> </ul>	240.1.b	b) mail service management services, respectively services both preceding and subsequent to dispatch;
		6.2.c.i2	- added-value services linked to and	240.1.c	c) added-value services linked to and

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			provided entirely by electronic means (including the secure transmission of coded documents by electronic means, address management services and transmission of registered electronic mail),		provided entirely by electronic means including the secure transmission of coded documents by electronic means, address management services and transmission of registered electronic mail;
		6.2.c.i3	- services concerning postal items not included in <a href="#">point (a)</a> , such as direct mail bearing no address,	240.1.d	d) services concerning postal items not included in <a href="#">letter a)</a> , such as direct mail bearing no address;
		6.2.c.i4	- financial services, as defined in <a href="#">category 6 of Annex XVII A</a> and in <a href="#">Article 24(c)</a> and including in particular postal money orders and postal giro transfers,	240.1.e	e) financial-postal services, as defined in <a href="#">category 6 of Annex 2A</a> and in <a href="#">article 13 let. d)</a> , including in particular postal money orders and postal giro transfers;
		6.2.c.i5	- philatelic services, and	240.1.f	f) philatelic services;
		6.2.c.i6	- logistics services (services combining physical delivery and/or warehousing with other non-postal functions),	240.1.g	g logistics services that combine physical delivery and/or warehousing with other non-postal functions.
na	na	6.2.c.p~	on condition that such services are provided by an entity which also provides postal services within the meaning of <a href="#">point (b), first or second indent</a> , and provided that the conditions set out in <a href="#">Article 30(1)</a> are not satisfied in respect of the services falling within those indents.	240.2	(2) The supply of the services provided for by <a href="#">paragraph (1) letters b) [c), d), e), f] -g)</a> , are relevant activities only if the respective entity providing these services provides also postal services in the meaning of <a href="#">paragraph (1) let. a)</a> and only if the activity on that market is not directly exposed to competition pursuant to <a href="#">article 248</a> .
na	na	7	Article 7 Exploration for, or extraction of, oil, gas, coal or other solid fuels, as	241	Paragraph 6 Other relevant activities

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>well as ports and airports</p> <p>This Directive shall apply to activities relating to the exploitation of a geographical area for the purpose of:</p> <p>(a) exploring for or extracting oil, gas, coal or other solid fuels, or</p> <p>(b) the provision of airports and maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterway.</p>		<p>Article 241</p> <p>In the purpose of this law it is considered to be relevant activities also those activities which imply exploiting of a geographical area with the purpose to:</p> <p>a) exploring for or extracting oil, gas, coal or other solid fuels;</p> <p>b) the provision of airports and maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterway.</p>
na	na	8	<p>Article 8</p> <p>Lists of contracting entities</p> <p>The non-exhaustive lists of contracting entities within the meaning of this Directive are contained in <a href="#">Annexes I [II, III, IV, V, VI, VII, VIII, IX]</a> to <a href="#">X</a>. Member States shall notify the Commission periodically of any changes to their lists.</p>	na	na
na	na	9.1.1	<p>Article 9</p> <p>Contracts covering several activities</p> <p>1. A contract which is intended to cover several activities shall be subject to the rules applicable to the activity for which it is principally intended.</p>	230	<p>Article 230</p> <p>When awarding a sectoral contract in view of performing several relevant activities, the contracting authority has the obligation to observe the rules that are applicable to the main activity for which the contract is principally intended.</p>
na	na	9.1.2	<p>However, the choice between awarding a single contract and awarding a number of separate contracts may not be made with the</p>	na	na

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			objective of excluding it from the scope of this Directive or, where applicable, Directive 2004/18/EC.		
		9.2	2. If one of the activities for which the contract is intended is subject to this Directive and the other to the abovementioned Directive 2004/18/EC and if it is objectively impossible to determine for which activity the contract is principally intended, the contract shall be awarded in accordance with the abovementioned Directive 2004/18/EC.	231.1	Article 231 (1) In the case when the contracting authority that belongs to the categories stated by <a href="#">article 8, letters a)-c)</a> , awards a public procurement contract for more activities, among which at least one is a relevant activity and another falls under <a href="#">Chapter I [II, III, IV, V] – VI</a> provisions, and objectively, it is impossible to determine for which activity the contract is mainly intended, then the contracting authority has not the right to include this contract in the sectoral contracts category and has the obligation to respect the provisions of <a href="#">Chapter I [II, III, IV, V] – VI</a> .
		9.3	3. If one of the activities for which the contract is intended is subject to this Directive and the other is not subject to either this Directive or the abovementioned Directive 2004/18/EC, and if it is objectively impossible to determine for which activity the contract is principally intended, the contract shall be awarded in accordance with this Directive.	231.2	(2) In the case when the contracting authority that belongs to the categories stated by <a href="#">article 8, letters a)-c)</a> , awards a public procurement contract for more activities, among which at least one is a relevant activity and another one is not subject to this law, and objectively, it is impossible to determine for which activity the contract is mainly intended, then the contracting authority has the obligation to include this contract in the sectoral contracts category.



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na	na	na	na	231.3	(3) In the case when the contracting authority, that belongs to the categories stated by <a href="#">article 8, letters d) or e)</a> , awards a public procurement contract for more activities, among at least one is a relevant activity and, objectively, it is impossible to determine for which activity the contract is mainly intended, then the contracting authority has the obligation to include this contract in the sectoral contracts category.
14	<p>Article 14</p> <p>Secret contracts and contracts requiring special security measures</p> <p>This Directive shall not apply to public contracts when they are declared to be secret, when their performance must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the Member State concerned, or when the protection of the essential interests of that Member State so requires.</p>	21	<p>Article 21</p> <p>Contracts which are secret or require special security measures</p> <p>This Directive shall not apply to contracts when they are declared to be secret by a Member State, when their performance must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the Member State concerned, or when the protection of the basic security interests of that Member State so requires.</p>	12 (amended by L337/2006, point 9 & 10)	<p>Article 12</p> <p>This law shall not apply for the awarding of public procurement contract in the case it fulfils one of the following conditions:</p> <p>a) the contract was declared secret by the authorities in charge, in accordance to the legal provisions in force;</p> <p>b) <i>completing the contract imposes special safety measures, for protecting some essential national interests, in accordance to the legal provisions in force;</i></p>
15.a.p1	<p>Article 15</p> <p>Contracts awarded pursuant to international rules</p> <p>This Directive shall not apply to public contracts governed by different procedural rules and awarded:</p>	22.a.p1	<p>Article 22</p> <p>Contracts awarded pursuant to international rules</p> <p>This Directive shall not apply to contracts governed by different procedural rules and awarded:</p> <p>(a) pursuant to an international</p>	14.1.a	<p>Article 14</p> <p>(1) The present law shall not apply when the public procurement contract is awarded pursuant to:</p> <p>(a) an international agreement concluded in conformity with the Treaty with one or more States that</p>

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	(a) pursuant to an international agreement concluded in conformity with the Treaty between a Member State and one or more third countries and covering supplies or works intended for the joint implementation or exploitation of a work by the signatory States or services intended for the joint implementation or exploitation of a project by the signatory States; .....		agreement concluded in accordance with the Treaty between a Member State and one or more third countries and covering supplies, works, services or design contests intended for the joint implementation or exploitation of a project by the signatory States; .....		are not members of European Union, and covering supplies or works intended for implement for joint implementation or exploitation of a project, by the signatory States, and only if through the respective agreement a specific procedure for awarding this contract was mentioned;
15.a.p2	..... all agreements shall be communicated to the Commission, which may consult the Advisory Committee for Public Contracts referred to in <a href="#">Article 77</a> ;	22.a.p2	..... all agreements shall be communicated to the Commission, which may consult the Advisory Committee for Public Contracts referred to in <a href="#">Article 68</a> ;	14.2-3 (amended by L337/2006, point 12)	(2) <i>In the case provided by <a href="#">paragraph (1), letter a</a>, the contracting authorities have the obligation to inform the National Authority for Regulating and Monitoring Public Procurement about the agreements in existence related to their field of activity.</i> (3) The National Authority for Regulating and Monitoring Public Procurement has the obligation to transmit to the European Commission the information received according paragraph (2).
15.b	(b) pursuant to a concluded international agreement relating to the stationing of troops and concerning the undertakings of a Member State or a third country;	22.b	(b) pursuant to a concluded international agreement relating to the stationing of troops and concerning the undertakings of a Member State or a third country;	14.1.b	(b) an international agreement regarding the stationing of troops and only if by the respective agreement a specific procedure for awarding the respective contract was provided;
15.c	(c) pursuant to the particular procedure of an international organisation.	22.c	(c) pursuant to the particular procedure of an international organisation.	14.1.c (amended by L337/2006,	(c) <i>the application of a particular procedure of organizations and institutions.</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	58.1-2.p1	<p>Section 3 Tenders comprising products originating in third countries and relations with those countries</p> <p>Article 58 Tenders comprising products originating in third countries 1. This Article shall apply to tenders covering products originating in third countries with which the Community has not concluded, whether multilaterally or bilaterally, an agreement ensuring comparable and effective access for Community undertakings to the markets of those third countries. It shall be without prejudice to the obligations of the Community or its Member States in respect of third countries. 2. Any tender submitted for the award of a supply contract may be rejected where the proportion of the products originating in third countries, as determined in accordance with <a href="#">Council Regulation (EEC) No 2913/92</a> of 12 October 1992 establishing the Community Customs Code(30), exceeds 50 % of the total value of the products constituting the tender. ....</p>	point 12) 254.1	<p>Article 254 (1) Without infringement of the provisions of the agreements and conventions to which Romania is part, in the case when two or more tenders are relatively equivalent regarding the points obtained as a result of application of the awarding criteria, the contracting authority has the right to declare as being winner the tender that contains, in a proportion more than 50%, products that have as origin – as determined in accordance with <a href="#">Council Regulation (EEC) no. 2913/92</a> of 12 October 1992 - the member states of European Union or third countries with which the European Community has concluded bilaterally or multilaterally agreements ensuring comparable access for Community undertakings to the markets of those countries, against of a tender that contains, in a proportion lower than 50% such products.</p>
na	na	58.2.p2	..... For the purposes of this Article,	na	na

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			software used in telecommunications network equipment shall be regarded as products.		
na	na	58.3.1	3. Subject to the <a href="#">second subparagraph</a> , where two or more tenders are equivalent in the light of the contract award criteria defined in <a href="#">Article 55</a> , preference shall be given to those tenders which may not be rejected pursuant to <a href="#">paragraph 2</a> . The prices of those tenders shall be considered equivalent for the purposes of this Article, if the price difference does not exceed 3 %.	254.2	(2) In the purpose of <a href="#">paragraph (1)</a> provisions, the tenders relatively equivalent mean those tenders for which the difference between the prices provided in the financial proposal do not exceed 3%.
na	na	58.3.2	However, a tender shall not be preferred to another pursuant to the first subparagraph where its acceptance would oblige the contracting entity to acquire equipment having technical characteristics different from those of existing equipment, resulting in incompatibility, technical difficulties in operation and maintenance, or disproportionate costs.	na	na
na	na	58.4	4. For the purposes of this Article, those third countries to which the benefit of the provisions of this Directive has been extended by a Council Decision in accordance with <a href="#">paragraph 1</a> shall not be taken into account for determining the	na	na

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			proportion, referred to in <a href="#">paragraph 2</a> , of products originating in third countries.		
na	na	58.5	<p>5. The Commission shall submit an annual report to the Council, commencing in the second half of the first year following the entry into force of this Directive, on progress made in multilateral or bilateral negotiations regarding access for Community undertakings to the markets of third countries in the fields covered by this Directive, on any result which such negotiations may have achieved, and on the implementation in practice of all the agreements which have been concluded.</p> <p>The Council, acting by a qualified majority on a proposal from the Commission, may amend the provisions of this Article in the light of such developments.</p>	na	na
na	na	59.1-3	<p>Article 59</p> <p>Relations with third countries as regards works, supplies and service contracts</p> <p>1. Member States shall inform the Commission of any general difficulties, in law or in fact, encountered and reported by their undertakings in securing the award of service contracts in third countries.</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>2. The Commission shall report to the Council before 31 December 2005, and periodically thereafter, on the opening up of service contracts in third countries and on progress in negotiations with these countries on this subject, particularly within the framework of the WTO.</p> <p>3. The Commission shall endeavour, by approaching the third country concerned, to remedy any situation whereby it finds, on the basis either of the reports referred to in paragraph 2 or of other information, that, in the context of the award of service contracts, a third country:</p> <p>(a) does not grant Community undertakings effective access comparable to that granted by the Community to undertakings from that country; or</p> <p>(b) does not grant Community undertakings national treatment or the same competitive opportunities as are available to national undertakings; or</p> <p>(c) grants undertakings from other third countries more favourable treatment than Community undertakings.</p>		
na	na	59.4	4. Member States shall inform the Commission of any difficulties, in law or in fact, encountered and	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			reported by their undertakings and which are due to the non-observance of the international labour law provisions listed in <a href="#">Annex XXIII</a> when these undertakings have tried to secure the award of contracts in third countries.		
na	na	59.5-6	<p>5. In the circumstances referred to in <a href="#">paragraphs 3</a> and <a href="#">4</a>, the Commission may at any time propose that the Council decide to suspend or restrict, over a period to be laid down in the decision, the award of service contracts to:</p> <ul style="list-style-type: none"> <li>(a) undertakings governed by the law of the third country in question;</li> <li>(b) undertakings affiliated to the undertakings specified in point (a) and having their registered office in the Community but having no direct and effective link with the economy of a Member State;</li> <li>(c) undertakings submitting tenders which have as their subject-matter services originating in the third country in question.</li> </ul> <p>The Council shall act, by qualified majority, as soon as possible.</p> <p>The Commission may propose these measures on its own initiative or at the request of a Member State.</p> <p>6. This Article shall be without</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			prejudice to the commitments of the Community in relation to third countries ensuing from international agreements on public procurement, particularly within the framework of the WTO.		
16.a	<p>Article 16</p> <p>Specific exclusions</p> <p>This Directive shall not apply to public service contracts for:</p> <p>(a) the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon; nevertheless, financial service contracts concluded at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive;</p>	24.a	<p>SUBSECTION 3</p> <p>Exclusions applicable to all contracting entities, but to service contracts only</p> <p>Article 24</p> <p>Contracts relating to certain services excluded from the scope of this Directive</p> <p>This Directive shall not apply to service contracts for:</p> <p>(a) the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon; nevertheless, financial service contracts concluded at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive;</p>	13.a (amended by L337/2006, point 11)	<p>Article 13</p> <p>This law shall not apply for the awarding of public procurement service contract that:</p> <p>a) <i>has as object the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or the rights thereon. The awarding of contracts for procurement of financial services, that are concluded irrespective of their form, related to the purchasing or renting contract, shall be subject to this law;</i></p>
16.b	(b) the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time;	na	na	13.b	b) refers to the acquisition, development, production or co-production of programme materials, by institutions of radio-diffusion and television;
16.c	(c) arbitration and conciliation	24.b	(b) arbitration and conciliation	13.c	c) refers to arbitration and conciliation



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	services;		services;		services;
16.d	(d) financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services;	24.c	(c) financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, in particular transactions by the contracting entities to raise money or capital;	13.d	d) refers to financial services in connection with issue, purchase, sell or transfer of securities or of other financial instruments, as well as the central bank services of the National Bank of Romania;
16.e	(e) employment contracts;	24.d	(d) employment contracts;	13.e	e) refers to employment contracts;
16.f	(f) research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs, on condition that the service provided is wholly remunerated by the contracting authority.	24.e	(e) research and development services other than those where the benefits accrue exclusively to the contracting entity for its use in the conduct of its own affairs, on condition that the service provided is wholly remunerated by the contracting entity.	13.f	f) refers to research - development services totally financed by the contracting authority whose results are not exclusively needed for the contracting authority for its use in the conduct of its own affairs.
17	Article 17 Service concessions Without prejudice to the application of <a href="#">Article 3</a> , this Directive shall not apply to service concessions as defined in <a href="#">Article 1(4)</a> .	18	Section 2 Contracts and concessions and contracts subject to special arrangements SUBSECTION 1 [no title]  Article 18 Works and service concessions This Directive shall not apply to works and service concessions which are awarded by contracting entities carrying out one or more of the activities referred to in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> , where those concessions are awarded for carrying out those activities.	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
18	<p>Article 18</p> <p>Service contracts awarded on the basis of an exclusive right</p> <p>This Directive shall not apply to public service contracts awarded by a contracting authority to another contracting authority or to an association of contracting authorities on the basis of an exclusive right which they enjoy pursuant to a published law, regulation or administrative provision which is compatible with the Treaty.</p>	25	<p>Article 25</p> <p>Service contracts awarded on the basis of an exclusive right</p> <p>This Directive shall not apply to service contracts awarded to an entity which is itself a contracting authority within the meaning of <a href="#">Article 2(1)(a)</a> or to an association of contracting authorities on the basis of an exclusive right which they enjoy pursuant to a published law, regulation or administrative provision which is compatible with the Treaty.</p>	15.1 (amended by L337/2006, point 13)	<p>Article 15</p> <p>(1) <i>The present law shall not apply for awarding the services contract to another contracting authority or to an association of contracting authorities, in the case when the respective contracting authority or association of contracting authorities, enjoys by an exclusive right to supply those services pursuant to a published law or other regulation with normative character (?), which is compatible with the Treaty.</i></p>
19	<p>Section 4</p> <p>Special arrangement</p> <p>Article 19</p> <p>Reserved contracts</p> <p>Member States may reserve the right to participate in public contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions.</p> <p>The contract notice shall make reference to this provision.</p>	28	<p>Article 28</p> <p>Reserved contracts</p> <p>Member States may reserve the right to participate in contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions.</p> <p>The notice used to make the call for competition shall make reference to this Article.</p>	43	<p>Article 43</p> <p>(1) The contracting authority has the right to impose that participation to the awarding procedure shall be reserved only for sheltered workshops or for those tenderers that agree to perform the contract in the context of sheltered employment programmes for protected employment, where the major part of the employees are persons with disabilities who cannot carry on a professional activity in normal conditions because of the nature and gravity of their disabilities,</p> <p>(2) When the contracting authority decides to limit the participation to the awarding procedure according to the provisions of paragraph (1), this decision must be explicitly specified in the participation notice for the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	27	<p>SUBSECTION 5 Contracts subject to special arrangements, provisions concerning central purchasing bodies and the general procedure in case of direct exposure to competition</p> <p>Article 27 Contracts subject to special arrangements Without prejudice to <a href="#">Article 30</a> the Kingdom of the Netherlands, the United Kingdom, the Republic of Austria and the Federal Republic of Germany shall ensure, by way of the conditions of authorisation or other appropriate measures, that any entity operating in the sectors mentioned in Decisions <a href="#">93/676/EEC</a>, <a href="#">97/367/EEC</a>, <a href="#">2002/205/EC</a> and <a href="#">2004/73/EC</a>:</p> <p>(a) observes the principles of non-discrimination and competitive procurement in respect of the award of supplies, works and service contracts, in particular as regards the information which the entity makes available to economic operators concerning its procurement intentions;</p> <p>(b) communicates to the Commission, under the conditions</p>	na	awarding procedure. na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			defined in <a href="#">Commission Decision 93/327/EEC</a> defining the conditions under which contracting entities exploiting geographical areas for the purpose of exploring for or extracting oil, gas, coal or other solid fuels must communicate to the Commission information relating to the contracts they award.		
na	na	19.1	<p>SUBSECTION 2</p> <p>Exclusions applicable to all contracting entities and to all types of contract</p> <p>Article 19</p> <p>Contracts awarded for purposes of resale or lease to third parties</p> <p>1. This Directive shall not apply to contracts awarded for purposes of resale or lease to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or lease the subject of such contracts, and other entities are free to sell or lease it under the same conditions as the contracting entity.</p>	242.a	<p>Section 2</p> <p>Specific exceptions</p> <p>Article 242</p> <p>This law is not applicable to the sectoral contracts that are awarded with the purpose to procure:</p> <p>a) products that will be resold or lease to a third party, under the conditions when the contracting authority does not benefit by a special or exclusive right in this purpose, and other entities have the right to sale or to lease similar products in the same conditions as the contracting authority;</p>
na	na	19.2	<p>2. The contracting entities shall notify the Commission at its request of all the categories of products or activities which they regard as excluded under <a href="#">paragraph 1</a>. The Commission may periodically publish in the Official Journal of the European Union, for information</p>	249	<p>Article 249</p> <p>The contracting authority has the obligation to send to the National Authority for Regulation and Monitoring of Public Procurement, any information required regarding the contracts for which the provisions of <a href="#">articles 242-243</a> and <a href="#">article 246-</a></p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			purposes, lists of the categories of products and activities which it considers to be covered by this exclusion. In so doing, the Commission shall respect any sensitive commercial aspects that the contracting entities may point out when forwarding information.		<a href="#">247</a> are applicable.
na	na	20.1.p1	<p>Article 20</p> <p>Contracts awarded for purposes other than the pursuit of an activity covered or for the pursuit of such an activity in a third country</p> <p>1. This Directive shall not apply to contracts which the contracting entities award for purposes other than the pursuit of their activities as described in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a></p> <p>.....</p>	243	<p>Article 243</p> <p>This law is not applicable for the contracts awarded by a contracting authority that is part of one of the categories provided for by article 8 letter d) or e) and which have as object the products, services or works purchase in order to carry out other activities than relevant activities.</p>
na	na	20.1.p2	..... or for the pursuit of such activities in a third country, in conditions not involving the physical use of a network or geographical area within the Community.	242.b	b) products, services or works destined to perform some relevant activities in a third country, under the conditions that in the performance of those activities the physical use of a network or of a geographical area within the European Community is not involved.
na	na	20.2	<p>2. The contracting entities shall notify the Commission at its request of any activities which they regard as excluded under <a href="#">paragraph 1</a>.</p> <p>The Commission may periodically publish in the Official Journal of the European Union for information</p>	see 249	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			purposes, lists of the categories of activities which it considers to be covered by this exclusion. In so doing, the Commission shall respect any sensitive commercial aspects that the contracting entities may point out when forwarding this information.		
na	na	23.1	<p>Article 23</p> <p>Contracts awarded to an affiliated undertaking, to a joint venture or to a contracting entity forming part of a joint venture</p> <p>1. For the purposes of this Article, "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the contracting entity in accordance with the requirements of the <a href="#">Seventh Council Directive 83/349/EEC</a> of 13 June 1983 based on the <a href="#">Article 44(2)(g) of the Treaty</a> on consolidated accounts, or, in the case of entities not subject to that Directive, any undertaking over which the contracting entity may exercise, directly or indirectly, a dominant influence within the meaning of <a href="#">Article 2(1)(b)</a> hereof or which may exercise a dominant influence over the contracting entity or which, in common with the contracting entity, is subject to the</p>	246.3	<p>(3) In the purpose of <a href="#">paragraph (1)</a> and <a href="#">paragraph (2)</a> provisions, the affiliated undertaking represents any undertaking which has the annual accounts consolidated with those of the contracting authority, in accordance with the provisions on consolidated accounts or any undertaking that is in any of the following situation:</p> <p>a) the contracting authority may exerts, directly or indirectly, a dominant influence over it;</p> <p>b) it exerts, directly or indirectly, a dominant influence over a contracting authority;</p> <p>c) in common with the contracting authority, they are, directly or indirectly under dominant influence of another undertaking.</p> <p>Regarding to the dominant influence, the provisions of <a href="#">article 3 let. s</a>) are applied accordingly.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.		
na	na	23.2	2. Provided that the conditions in <a href="#">paragraph 3</a> are met, this Directive shall not apply to contracts awarded: <ul style="list-style-type: none"> <li>(a) by a contracting entity to an affiliated undertaking, or</li> <li>(b) by a joint venture, formed exclusively by a number of contracting entities for the purpose of carrying out activities within the meaning of <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a>, to an undertaking which is affiliated with one of these contracting entities.</li> </ul>	246.1	Article 246 (1) This law is not applicable for awarding of the sectoral contract: <ul style="list-style-type: none"> <li>a) by a contracting authority to an affiliated undertaking;</li> <li>b) by an association of more contracting authorities, formed exclusively with the purpose to carry out a relevant activity, to an undertaking which is affiliated with one of these contracting authorities;</li> </ul>
na	na	23.3.1.a	3. <a href="#">Paragraph 2</a> shall apply: <ul style="list-style-type: none"> <li>(a) to service contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to services for the preceding three years derives from the provision of such services to undertakings with which it is affiliated;</li> </ul>	246.2.b	b) in the case of a services contract only if at least 80% of average turnover for the preceding three years of the affiliated undertaking derives from services providing for the contracting authority to which it is affiliated;
na	na	23.3.1.b	(b) to supplies contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to supplies for the preceding three years derives from the provision of such supplies to undertakings with which it is	246.2.a	(2) The provisions of the <a href="#">paragraph (1)</a> are applicable: <ul style="list-style-type: none"> <li>a) in the case of a supply contract, only if at least 80% of average turnover for the preceding three years of the affiliated undertaking derives from products supplying for the</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			affiliated;		contracting authority to which it is affiliated;
		23.3.1.c	(c) to works contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to works for the preceding three years derives from the provision of such works to undertakings with which it is affiliated.	246.2.c	c) in the case of a works contract only if at least 80% of average turnover for the preceding three years of the affiliated undertaking derives from works execution for the contracting authority to which it is affiliated.
na	na	23.3.2	When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in <a href="#">points (a), (b) or (c)</a> is credible, particularly by means of business projections.	na	na
na	na	23.3.3	Where more than one undertaking affiliated with the contracting entity provides the same or similar services, supplies or works, the above percentages shall be calculated taking into account the total turnover deriving respectively from the provision of services, supplies or works by those affiliated undertakings.	na	na
na	na	23.4.a	4. This Directive shall not apply to contracts awarded: (a) by a joint venture, formed exclusively by a number of	247.1.a	Article 247 (1) This law is not applicable for the awarding of sectoral contract: a) by an association of more



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			contracting entities for the purpose of carrying out activities within the meaning of <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> , to one of these contracting entities, or		contracting authorities, exclusively formed with the purpose to carry out a relevant activity, to one of the respective contracting authority;
na	na	23.4.b	(b) by a contracting entity to such a joint venture of which it forms part, provided that the joint venture has been set up in order to carry out the activity concerned over a period of at least three years and that the instrument setting up the joint venture stipulates that the contracting entities, which form it, will be part thereof for at least the same period.	247.1.b-2	b) by a contracting authority, to an association of contracting authorities, of which itself is a part and which it was set up exclusively with the purpose to carry out a relevant activity. (2) The provisions of <a href="#">paragraph (1)</a> are applicable only if the association was set up in order to perform the relevant activity during a period of at least three years, and the legal instrument used for setting up the association provides that the respective contracting authorities will make part of the respective association for a period at least equal with the mentioned period.
na	na	23.5	5. Contracting entities shall notify to the Commission, at its request, the following information regarding the application of <a href="#">paragraphs 2, 3</a> and <a href="#">4</a> : (a) the names of the undertakings or joint ventures concerned, (b) the nature and value of the contracts involved, (c) such proof as may be deemed necessary by the Commission that	See 249	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			the relationship between the undertaking or joint venture to which the contracts are awarded and the contracting entity complies with the requirements of this Article.		
na	na	26.a	<p>SUBSECTION 4 Exclusions applicable to certain contracting entities only</p> <p>Article 26 Contracts awarded by certain contracting entities for the purchase of water and for the supply of energy or of fuels for the production of energy This Directive shall not apply: (a) to contracts for the purchase of water if awarded by contracting entities engaged in one or both of the activities referred to in <a href="#">Article 4(1)</a>.</p>	244	<p>Article 244 This law is not applicable for the contract that has as object purchasing of water, if this is awarded by a contracting authority that performs relevant activities of provided for by <a href="#">article 232</a>.</p>
na	na	26.b	(b) to contracts for the supply of energy or of fuels for the production of energy, if awarded by contracting entities engaged in an activity referred to in <a href="#">Article 3(1)</a> , <a href="#">Article 3(3)</a> or <a href="#">Article 7(a)</a> .	245	<p>Article 245 This law is not applicable for the contract that has as object purchasing energy, energy products of the extractive industry or other fuels, if this is awarded by a contracting authority that performs relevant activities provided for by <a href="#">articles 235</a> and 241 letter a).</p>
na	na	30.1	<p>Article 30 Procedure for establishing whether a given activity is directly exposed to competition</p>	248.1	<p>Article 248 (1) This law is not applicable for awarding the sectoral contracts in the case when the relevant activity for</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			1. Contracts intended to enable an activity mentioned in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> to be carried out shall not be subject to this Directive if, in the Member State in which it is performed, the activity is directly exposed to competition on markets to which access is not restricted.		which these are intended is directly exposed to competition on a market without restricted access.
na	na	30.2	2. For the purposes of <a href="#">paragraph 1</a> , the question of whether an activity is directly exposed to competition shall be decided on the basis of criteria that are in conformity with the Treaty provisions on competition, such as the characteristics of the goods or services concerned, the existence of alternative goods or services, the prices and the actual or potential presence of more than one supplier of the goods or services in question.	248.2	(2) For the purposes of <a href="#">paragraph (1)</a> , the question of whether an activity is directly exposed to competition shall be decided by the European Commission upon to a request formulated by the interested contracting authority, which will contain all information needed to adopt a pertinent decision regarding the situation.
na	na	30.3-6	3. For the purposes of <a href="#">paragraph 1</a> , access to a market shall be deemed not to be restricted if the Member State has implemented and applied the provisions of Community legislation mentioned in <a href="#">Annex XI</a> . If free access to a given market cannot be presumed on the basis of the first subparagraph, it must be demonstrated that access to the market in question is free de facto and de jure. 4. When a Member State	248.3	(3) The specific procedure for formulating and sending the request provided for by <a href="#">paragraph (2)</a> is established by Government Decision.

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>considers that, in compliance with <a href="#">paragraphs 2</a> and 3, <a href="#">paragraph 1</a> is applicable to a given activity, it shall notify the Commission and inform it of all relevant facts, and in particular of any law, regulation, administrative provision or agreement concerning compliance with the conditions set out in <a href="#">paragraph 1</a>, where appropriate together with the position adopted by an independent national authority that is competent in relation to the activity concerned.</p> <p>Contracts intended to enable the activity concerned to be carried out shall no longer be subject to this Directive if the Commission:</p> <ul style="list-style-type: none"> <li>- has adopted a Decision establishing the applicability of <a href="#">paragraph 1</a> in accordance with paragraph 6 and within the period it provides for, or</li> <li>- has not adopted a Decision concerning such applicability within that period.</li> </ul> <p>However, where free access to a given market is presumed on the basis of the first subparagraph of paragraph 3, and where an independent national authority that is competent in the activity concerned has established the applicability of <a href="#">paragraph 1</a>,</p>		

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>contracts intended to enable the activity concerned to be carried out shall no longer be subject to this Directive if the Commission has not established the inapplicability of <a href="#">paragraph 1</a> by a Decision adopted in conformity with paragraph 6 and within the period it provides for.</p> <p>5. When the legislation of the Member State concerned provides for it, the contracting entities may ask the Commission to establish the applicability of <a href="#">paragraph 1</a> to a given activity by a Decision in conformity with paragraph 6. In such a case, the Commission shall immediately inform the Member State concerned.</p> <p>That Member State shall, taking account of <a href="#">paragraphs 2</a> and 3, inform the Commission of all relevant facts, and in particular of any law, regulation, administrative provision or agreement concerning compliance with the conditions set out in <a href="#">paragraph 1</a>, where appropriate together with the position adopted by an independent national authority that is competent in the activity concerned.</p> <p>The Commission may also begin the procedure for adoption of a Decision establishing the applicability of <a href="#">paragraph 1</a> to a</p>		

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>given activity on its own initiative. In such a case, the Commission shall immediately inform the Member State concerned.</p> <p>If, at the end of the period laid down in paragraph 6, the Commission has not adopted a Decision concerning the applicability of <a href="#">paragraph 1</a> to a given activity, <a href="#">paragraph 1</a> shall be deemed to be applicable.</p> <p>6. For the adoption of a Decision under this Article, in accordance with the procedure under <a href="#">Article 68(2)</a>, the Commission shall be allowed a period of three months commencing on the first working day following the date on which it receives the notification or the request. However, this period may be extended once by a maximum of three months in duly justified cases, in particular if the information contained in the notification or the request or in the documents annexed thereto is incomplete or inexact or if the facts as reported undergo any substantive changes. This extension shall be limited to one month where an independent national authority that is competent in the activity concerned has established the applicability of paragraph 1 in the cases provided</p>		

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>for under the third subparagraph of paragraph 4.</p> <p>When an activity in a given Member State is already the subject of a procedure under this Article, further requests concerning the same activity in the same Member State before the expiry of the period opened in respect of the first request shall not be considered as new procedures and shall be treated in the context of the first request.</p> <p>The Commission shall adopt detailed rules for applying paragraphs 4, 5 and 6 in accordance with the procedure under <a href="#">Article 68(2)</a>.</p> <p>These rules shall include at least:</p> <p>(a) the publication in the Official Journal, for information, of the date on which the three-month period referred to in the first subparagraph begins, and, in case this period is prolonged, the date of prolongation and the period by which it is prolonged;</p> <p>(b) publication of the possible applicability of <a href="#">paragraph 1</a> in accordance with the second or third subparagraph of paragraph 4 or in accordance with the fourth subparagraph of paragraph 5; and</p> <p>(c) the arrangements for</p>		

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>forwarding positions adopted by an independent authority that is competent in the activity concerned, regarding questions relevant to <a href="#">paragraphs 1</a> and <a href="#">2</a>.</p> <p><i>[Decision 2005/15]</i>  <i>Article 1</i></p> <p>1. Requests concerning the applicability of <a href="#">Article 30(1) of Directive 2004/17/EC</a> must contain at least the information stipulated in Annex I to this Decision.</p> <p>2. When an independent authority that is competent in the activity concerned has adopted a reasoned position on matters which are relevant for the purposes of <a href="#">Article 30(1)</a> and <a href="#">(2) of Directive 2004/17/EC</a>, this position shall accompany the requests.</p> <p>3. The requests and the positions referred to in paragraphs 1 and 2 shall be sent by electronic means to the following e-mail address:  <i>Markt-C3@cec.eu.int.</i>                      If transmission by electronic means is not possible, these requests and positions shall be sent in triplicate to the following address:                      European Commission                      Directorate-General for Internal Market and Services                      Directorate for Public</p>		



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p><i>Procurement Policy B-1049 Brussels Article 2</i></p> <p><i>1. When the Commission receives a request concerning the applicability of <a href="#">Article 30(1) of Directive 2004/17/EC</a>, it shall publish a notice containing the information stipulated in Part A or Part B of Annex II to this Decision, depending on the origin of the request.</i></p> <p><i>2. If, in the cases provided for in the second and third sentences of the first subparagraph of <a href="#">Article 30(6) of Directive 2004/17/EC</a>, the period allowed to the Commission to take a decision on the request is extended, the Commission shall publish a notice containing the information stipulated in Part A or Part B of Annex III to this Decision, depending on the origin of the request.</i></p> <p><i>3. The applicability of <a href="#">Article 30(1) of Directive 2004/17/EC</a>, in accordance with the second or third subparagraphs of <a href="#">Article 30(4)</a> or in accordance with the fourth subparagraph of <a href="#">Article 30(5)</a> of the said Directive, shall be the subject of a notice published by the Commission containing the information stipulated in Part A or</i></p>		

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p><i>Part B of Annex IV to this Decision, depending on the origin of the request.</i></p> <p><i>4. The notices provided for in paragraphs 1, 2 and 3 shall be published in the Official Journal of the European Union, C series.</i></p>		
20	<p>CHAPTER III Arrangements for public service contracts</p> <p>Article 20 Service contracts listed in Annex II A Contracts which have as their object services listed in Annex II A shall be awarded in accordance with Articles 23 to 55.</p>	31	<p>CHAPTER III Rules applicable to service contracts</p> <p>Article 31 Service contracts listed in Annex XVII A Contracts which have as their object services listed in Annex XVII A shall be awarded in accordance with Articles 34 to 59.</p>	16	<p>Article 16</p> <p>(1) In the case when the contracting authority awards a public procurement contract having as object the supply of services as included in Annex 2B, then the obligation to apply this law is mandatory only for the contracts with a greater value than as stipulated in art. 57 paragraph (2) and are limited only to the provisions of articles 35-38 and to the provisions of art. 56.</p> <p>(2) In the case when the public procurement contract stipulated by paragraph (1) has as object, besides providing services included in Annex 2B, the supply of services included in Annex 2A, the provisions of paragraph (1) are applicable only if the estimated value of services included in Annex 2B is higher than the estimated value of services included in Annex 2A.</p> <p>(3) The contracting authority does not have the right to combine, within the same contract, services included both in Annex 2B and Annex 2A, with</p>

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					the purpose to benefit of the provisions of paragraph (1) when it awards the respective public procurement contract.
21	<p>Article 21</p> <p>Service contracts listed in Annex II B</p> <p>Contracts which have as their object services listed in Annex II B shall be subject solely to Article 23 and <a href="#">Article 35(4)</a>.</p>	32	<p>Article 32</p> <p>Service contracts listed in Annex XVII B</p> <p>Contracts which have as their object services listed in Annex XVII B shall be governed solely by Articles 34 and 43.</p>	na	na
22	<p>Article 22</p> <p>Mixed contracts including services listed in Annex II A and services listed in Annex II B</p> <p>Contracts which have as their object services listed both in Annex II A and in Annex II B shall be awarded in accordance with Articles 23 to 55 where the value of the services listed in Annex II A is greater than the value of the services listed in Annex II B. In other cases, contracts shall be awarded in accordance with Article 23 and <a href="#">Article 35(4)</a>.</p>	33	<p>Article 33</p> <p>Mixed service contracts including services listed in Annexes XVII A and services listed in Annex XVII B</p> <p>Contracts which have as their subject-matter services listed both in Annex XVII A and in Annex XVII B shall be awarded in accordance with Articles 34 to 59 where the value of the services listed in Annex XVII A is greater than the value of the services listed in Annex XVII B. In other cases, contracts shall be awarded in accordance with Articles 34 and 43.</p>	na	na
na	na	na	na	58	<p>Section 6</p> <p>Special rules for transparency applicable to the public procurement of publicity services</p> <p>Article 58</p> <p>(1) In the case of awarding media</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>publicity contracts, with an annual value higher than the RON equivalency of 2000 Euro, without VAT, the contracting authority has the obligation to publish a participation notice and a awarding notice in the public information system available on the internet at a dedicated address, and on its own web page if exists.</p> <p>(2) Regarding the provisions of align. (1), by a media publicity contract its understood any services contract having as an object the creation, the producing and/or the diffusion of advertisement or any other forms of promotion by mass written information, audiovisual or electronic means;</p> <p>(3) The obligation foreseen at align. (1) does not exonerate the contracting authority to respect the general provisions applicable to the publicity rules, as they are provided within section 5 of the present chapter.</p> <p>(4) The contracting authority has the obligation to point out in the participation notice provided by align. (1) the qualification and selection criteria, and in the situation when the awarding criterion is the most advantageous tender from economic point of view, the pointing calculation algorithm; the notice has to be accompanied by an opportunity</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>reference with the purpose of explaining the reasoning for the purchasing of the publicity services and indicating the followed impact followed and the measuring criteria of the desired result.</p> <p>(5) No longer than 120 days from the ending date of the publicity services contract, the contracting authority has the obligation to publish in the before mentioned information system provided by align. (1) an evaluation report of the impact of purchasing publicity services.</p> <p>(6) The media publicity contracts have to contain compulsory the next specific clauses regarding the obligation of the parts to ensure, inclusively on the entire period of the performing of the contract, the access of the public to at least the following information: the final beneficiaries of the publicity funds, the allocation criteria of these funds, the sums allocated to each final beneficiary and the completion dead-lines of the contractual provisions.</p> <p>(7) The access of the public to the information provided at paragraph (6) is ensured with the help of the contracting authority which has the obligation to detain actualized information regarding the way the contract is carried out.</p>

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					(8) In the case of media publicity contracts the name of the contracting authorities has to be mentioned compulsory in the publicity material.
na	na	na	na	(Article 1-10 of O-183/2006)	<p>Article 1 The structure, contents and manner of usage of specific models of invitations for participation to the “request for quotations” procedure, of the opportunity report, of the impact assessment report, of the public procurement file and of the media publicity services contract, provided for in Annexes 1-5*) which are an integral part of this order, are hereby approved. *) Annexes No. 1-5 are printed in facsimile.</p> <p>Article 2 For the purposes of this order, the terms below are defined as follows: a) average print run distributed per edition – the average number of copies per edition for which it is possible to prove, based on acts, that they reached final users. The print run distributed consists of: subscriptions, copies sold via retail and copies distributed free of charge; b) subscriptions – each copy sold, which was delivered to companies specialised in servicing the subscription or which was paid for in</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>advance directly to the editor and was delivered to the subscriber by the editor or a subscriber thereof;</p> <p>c) copies sold via retail – each copy sold by methods different from subscriptions;</p> <p>d) free of charge copies – each copy of the publication from whose distribution the editor did not get any revenue;</p> <p>e) edition – total number of copies of a publication that can be evidenced by the very same identifier imprinted on them, referred to as number of issuance, and which is to be found in all documents necessary for the audit, including for all further editions and additional print-runs, irrespective of the place of printing;</p> <p>f) cost per point of audience – financial effort required in order to obtain one rating point;</p> <p>g) rating – unit measure of audience for a television or radio broadcast.</p> <p>Article 3 Specific models of invitations for participation to the procedure “request for quotations” procedure, of opportunity report, of impact assessment report, of public procurement file and of media publicity services contract, comprised</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>in the Annexes to this order, are the following:</p> <ul style="list-style-type: none"> <li>a) Opportunity Report regarding the public procurement of media publicity services (Annex No. 1);</li> <li>b) Invitation for Participation to the procedure of media publicity contract by "request for quotations" (Annex No. 2);</li> <li>c) Assessment Report of public procurement impact of written, audio-visual and electronic media publicity services on (image promotion / client information etc.) (Annex No. 3);</li> <li>d) Public Procurement File for media publicity services (Annex No.4);</li> <li>e) Media Publicity Services Contract (Annex No. 5).</li> </ul> <p>Article 4</p> <p>(1) Forecast notices, participation notices and contract award notices for media publicity contracts shall contain the same elements as for the services contracts comprised in Annex No. 3 to the Government Urgency Ordinance No. 34/2006 regarding the award of public procurement contracts, of public works concession contracts and of public services concession contracts, approved with amendments and completions by Law No. 337/2006, and in Annex No. 1 to</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Government Decision No. 925/2006 approving application norms of provisions regarding the award of public procurement contracts in Government Urgency Ordinance No. 34/2006, approved with amendments and completions by Law No. 337/2006, with the subsequent completions.</p> <p>(2) The above-mentioned notices shall be published in the Official Journal of Romania, Part VI, in the Electronic System of Public Procurement (ESPP), at the internet address <a href="http://www.publicitatepublica.ro">www.publicitatepublica.ro</a>, on the own internet web page of the Contracting Authority, if available, and in the Official Journal of the European Union (OJEU), in the situations provided for by the Government Urgency Ordinance No. 34/2006, approved with amendments and completions by Law No. 337/2006.</p> <p>(3) Notices for participation to the request for quotations procedure shall be published in the ESPP, at the Internet address <a href="http://www.publicitatepublica.ro">www.publicitatepublica.ro</a>, on the own internet web page, where available.</p> <p>Article 5 Award documentation for the media publicity contract shall be also downloadable from the Internet page</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>www.publicitatepublica.ro, and also from the own Internet web page of the Contracting Authority, where available.</p> <p>Article 6                      (1) In case of media publicity contracts, the Contracting Authority has the obligation to use the following selection and qualification criteria for the economic operators depending on the nature of the media:                      (a) for publications, the tenderer's average print run distributed per edition, distribution area, profile, target public. In case of tenderer's average print run distributed per edition, the tenderer has to be certified for a period of minimum 3 months in the last calendar year by an authorised, independent auditing institution;                      (b) in case of audio-TV media, the coverage area and audience, certified by a specialised institution, profile and target audience;                      (c) in case of Internet, profile and target audience, number of monthly accesses.                      (2) An exception with regard to the criterion "average print run" provided for under paragraph (1) letter a) shall applied to cases related to privatisation, where in a certain</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>county there is no local daily newspaper whatsoever that has been audited. In order to publish a notice in such a daily newspaper, the legal representatives shall produce a declaration on their own responsibility about the print run, accompanied by justifying financial and accounting documents regarding the print run recorded during the last 3 calendar months.</p> <p>Article 7                      (1) In case of application of the award criterion “the most economically most offer”, the offer established as being successful is the offer meeting the highest score resulting from application of the following calculating algorithm, as applicable:                      a) in case of written press: P/C (where P = price per 1 cm<sup>2</sup> of advertisement, calculated for a single publication, and C = average print run distributed per edition, as certified);                      b) in case of audio-TV media: price per point of audience (PPA);                      c) in case of the Internet: price per one thousand of displays.                      (2) The score for each offer evaluated under the provisions of paragraph (1) shall be awarded as follows:</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>a) for the minimum value of the evaluation factor 100 points shall be awarded;</p> <p>b) for a value of the evaluation factor superior than that provided for at letter a), the score shall be calculated as follows:  <math>P_n = [\text{value}(\text{min})/\text{value}(n)] \times 100</math></p> <p>Article 8            Media publicity contracts shall comprise compulsorily the following two contractual clauses:            a) "The contracting parties have the obligation to ensure, including during the execution of the contract, public access to at least the following information: final addressees of the publicity funds, criteria for allotting these funds, amounts related to each final beneficiary and the deadlines for implementing the contractual provisions.";</p> <p>b) "Access to information comprised under letter a) shall be achieved through the Contracting Authority that has the obligation to have updated information with regard to the execution of contract."</p> <p>Article 9            Materials published / used shall state compulsorily the title of the Contracting Authority / Authorities.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 10 The time limit until when the Contracting Authority is obliged to make publicly known the announcement regarding the application of negotiation procedure without prior publication of a participation notice for the award of the media publicity services contract it is of at least 3 days before the start of negotiations.</p> <p>Article 11 This order shall be published in the Official Journal of Romania, Part I.</p>
na	na	na	na	33	<p>Section 3 Rules for elaboration of the tender documentation</p> <p>Article 33 (1) The contracting authority has the obligation to state accurately within the tender documentation any request, rule, criteria, and other necessary information, in order to ensure that the tenderer/candidate is completely, justly and explicitly informed regarding the way of conducting the awarding procedure. (2) The tender documentation shall contain, but not be limited by it, at least the following: a) general information regarding</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the contracting authority, particularly regarding the address – inclusive telephone no., fax no., e-mail – contact persons, communication means, etc;</p> <p>b) instructions regarding the mandatory deadlines and necessary formalities for participating to the awarding procedure;</p> <p>c) if requested, the minimum qualifications requirements and documents that shall be submitted by the tenderers/candidates in order to fulfil the selection and qualification criteria;</p> <p>d) the terms of references or, in the case of applying the competitive dialogue or negotiation procedure, the descriptive documentation;</p> <p>e) instructions regarding the elaboration and submission of the technical and financial proposal;</p> <p>f) detailed and complete information regarding the awarding criteria applicable for establishing the winning tender in line with the provisions of Chapter V – Section 3;</p> <p>g) instructions regarding the use of the means of legal dispute;</p> <p>information regarding the compulsory clauses of the contract.</p>
23.1	CHAPTER IV Specific rules governing specifications and contract	34.1	CHAPTER IV Specific rules governing specifications and contract	35.1-4	Article 35 (1) The terms of references contains compulsory the technical

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>documents</p> <p>Article 23                      Technical specifications                      1. The technical specifications as defined in point 1 of <a href="#">Annex VI</a> shall be set out in the contract documentation, such as contract notices, contract documents or additional documents. Whenever possible these technical specifications should be defined so as to take into account accessibility criteria for people with disabilities or design for all users.</p>		<p>documents</p> <p>Article 34                      Technical specifications                      1. Technical specifications as defined in point 1 of Annex XXI shall be set out in the contract documentation, such as contract notices, contract documents or additional documents. Whenever possible these technical specifications should be defined so as to take into account accessibility criteria for people with disabilities or design for all users.</p>		<p>specifications.</p> <p>(2) Technical specifications are technical requirements, prescriptions, technical characteristics needed to describe in an objective manner any product, service or work in order to meet the requirements of the contracting authority.</p> <p>(3) Technical specifications define, if necessary, and without limiting to these, characteristics such as quality level, technical and performance level, requirements regarding the impact on the environment and the safety for use as well as dimensions, terminology, symbols, tests and testing methods, packaging, marking and labelling, and instructions for the use of product, systems for insuring the quality, conditions and procedures for conformity certification with relevant standards or assessment and other such requirements. In case of works contracts, the technical specifications can also refer to design and evaluation, examination, inspection and reception conditions of the works or techniques, procedures and methods of execution as well as to other conditions with technical character that the contracting authority is able to describe, according to the law in force and general or specific regulations, related</p>

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					to the delivered works, materials or other elements of those works. (4) Technical specifications are defined as to correspond whenever possible, to the needs/exigencies of any user, including persons with disabilities.
23.2	2. Technical specifications shall afford equal access for tenderers and not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.	34.2	2. Technical specifications shall afford equal access for tenderers and not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.	35.5	(5) Technical specifications shall afford equal access to the competition for any tenderer and must not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.
23.3	3. Without prejudice to mandatory national technical rules, to the extent that they are compatible with Community law, the technical specifications shall be formulated: (a) either by reference to technical specifications defined in Annex VI and, in order of preference, to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - to national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the	34.3	3. Without prejudice to legally binding national technical rules, to the extent that they are compatible with Community law, the technical specifications shall be formulated: (a) either by reference to technical specifications defined in Annex XXI and, in order of preference, to national standards transposing European standards, European technical approvals, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when these do not exist - national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the	35.6	(6) Without prejudice to mandatory national technical rules, insofar these are compliant with the community law, the contracting authority has the obligation to define the technical specifications: a) either by reference, as a rule, in the following order of preference, to national standards transposing European standards, European technical approvals, common technical specifications used in the European Community, international standards or other technical references established by the European standardization bodies. When the above mentioned do not exist, the technical specifications are defined by reference to national standards, national technical approvals or national technical



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>works and use of the products. Each reference shall be accompanied by the words "or equivalent";</p> <p>(b) or in terms of performance or functional requirements; the latter may include environmental characteristics. However, such parameters must be sufficiently precise to allow tenderers to determine the subject-matter of the contract and to allow contracting authorities to award the contract;</p> <p>(c) or in terms of performance or functional requirements as mentioned in subparagraph (b), with reference to the specifications mentioned in subparagraph (a) as a means of presuming conformity with such performance or functional requirements;</p> <p>(d) or by referring to the specifications mentioned in subparagraph (a) for certain characteristics, and by referring to the performance or functional requirements mentioned in subparagraph (b) for other characteristics.</p>		<p>works and use of the products. Each reference shall be accompanied by the words "or equivalent";</p> <p>(b) or in terms of performance or functional requirements; the latter may include environmental characteristics. However, such parameters must be sufficiently precise to allow tenderers to determine the subject-matter of the contract and to allow contracting entities to award the contract;</p> <p>(c) or in terms of performance or functional requirements as mentioned in subparagraph (b), with reference to the specifications mentioned in subparagraph (a) as a means of presuming conformity with such performance or functional requirements;</p> <p>(d) or by referring to the specifications mentioned in subparagraph (a) for certain characteristics, and by referring to the performance or functional requirements mentioned in subparagraph (b) for other characteristics.</p>		<p>specifications relating the use of the products or the design, calculation and execution of the works. Each reference shall be accompanied by the words 'or equivalent';</p> <p>b) or in terms of performance and/or functional requirements that have to be described sufficiently accurate in order to permit the tenderers to understand exactly the subject-matter of the contract, and, in this manner, the contracting authority to award the respective contract;</p> <p>c) or in terms of performance and/or functional requirements, as these are provided within lett. b), as well as referring to standards, technical approvals, common technical specifications provided by letter a) as a presumptive mean of the conformity with the performance level and with the respective functional requirements;</p> <p>d) or in terms of performance and/or functional requirements, as these are provided within lett. b), for certain characteristics and by referring to standards, technical approvals, technical specifications, provided for by letter a) for the other characteristics.</p>
23.4	4. Where a contracting authority makes use of the option of referring to the specifications mentioned in	34.4	4. Where a contracting entity makes use of the option of referring to the specifications mentioned in	36.1	<p>Article 36</p> <p>(1) In case the contracting authority defines the technical specification</p>

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	<p>paragraph 3(a), it cannot reject a tender on the grounds that the products and services tendered for do not comply with the specifications to which it has referred, once the tenderer proves in his tender to the satisfaction of the contracting authority, by whatever appropriate means, that the solutions which he proposes satisfy in an equivalent manner the requirements defined by the technical specifications.</p> <p>An appropriate means might be constituted by a technical dossier of the manufacturer or a test report from a recognised body.</p>		<p>paragraph 3(a), it cannot reject a tender on the ground that the products and services tendered for do not comply with the specifications to which it has referred, once the tenderer proves in his tender to the satisfaction of the contracting entity, by whatever appropriate means, that the solutions which he proposes satisfy in an equivalent manner the requirements defined by the technical specifications.</p> <p>An appropriate means might be constituted by a technical dossier from the manufacturer or a test report from a recognised body.</p>		<p>within the terms of references opting for the methods provided for by Article 35 paragraph (6), letter a), then the contracting authority cannot reject a tender on the grounds that the products and services provided in the technical proposal do not comply with the specifications to which it has referred, once the tenderer proves by any adequate means that the technical proposal satisfies in an equivalent manner the requirements of the contracting authority.</p>
23.5	<p>5. Where a contracting authority uses the option laid down in paragraph 3 to prescribe in terms of performance or functional requirements, it may not reject a tender for works, products or services which comply with a national standard transposing a European standard, with a European technical approval, a common technical specification, an international standard or a technical reference system established by a European standardisation body, if these specifications address the performance or functional requirements which it has laid</p>	34.5	<p>5. Where a contracting entity uses the option provided for in paragraph 3 of laying down performance or functional requirements, it may not reject a tender for products, services or works which comply with a national standard transposing a European standard, with a European technical approval, a common technical specification, an international standard, or a technical reference system established by a European standardisation body, if these specifications address the performance or functional requirements which it has laid</p>	36.2-3.p1	<p>(2) In case when the contracting authority defines the technical specifications from the terms of references by specifying the performances and/or functional requirements, then no tender can be rejected if the tenderer demonstrates by any appropriate means that the products, services or works offered ensure the accomplishment of the performances or functional requirements as they comply with:</p> <ul style="list-style-type: none"> <li>a) a national standard transposing an European standard;</li> <li>b) an European technical approval;</li> <li>c) a common technical specification used in European Community;</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>down. In his tender, the tenderer must prove to the satisfaction of the contracting authority and by any appropriate means that the work, product or service in compliance with the standard meets the performance or functional requirements of the contracting authority. An appropriate means might be constituted by a technical dossier of the manufacturer or a test report from a recognised body.</p>		<p>down. In his tender, the tenderer shall prove to the satisfaction of the contracting entity and by any appropriate means that the product, service or work in compliance with the standard meets the performance or functional requirements of the contracting entity. An appropriate means might be constituted by a technical dossier from the manufacturer or a test report from a recognised body.</p>		<p>d) an international standard; e) other technical regulations established by European standardization bodies. (3) According to the provisions of paragraph (1) and (2), an adequate mean to prove the conformity with the technical specifications required, can be the technical dossier of the manufacturer or a test report issued by a recognized body .....</p>
23.6	<p>6. Where contracting authorities lay down environmental characteristics in terms of performance or functional requirements as referred to in paragraph 3(b) they may use the detailed specifications, or, if necessary, parts thereof, as defined by European or (multi-) national eco-labels, or by and any other eco-label, provided that:</p> <ul style="list-style-type: none"> <li>- those specifications are appropriate to define the characteristics of the supplies or services that are the object of the contract,</li> <li>- the requirements for the label are drawn up on the basis of scientific information,</li> <li>- the eco-labels are adopted using a procedure in which all</li> </ul>	34.6	<p>6. Where contracting entities lay down environmental characteristics in terms of performance or functional requirements as referred to in paragraph 3(b) they may use the detailed specifications, or, if necessary, parts thereof, as defined by European or (multi-) national eco-labels, or by any other eco-label, provided that:</p> <ul style="list-style-type: none"> <li>- those specifications are appropriate to define the characteristics of the supplies or services that are the object of the contract,</li> <li>- the requirements for the label are drawn up on the basis of scientific information,</li> <li>- the eco-labels are adopted using a procedure in which all</li> </ul>	37	<p>Article 37 (1) The performances and functional characteristics provided at art. 35 paragraph (6) lett. b) through which are defined the technical specifications may also include environmental characteristics. (2) When the contracting authority lays down environmental characteristics in terms of performance or functional requirements, then it may use the detailed specifications, or, if necessary, parts thereof, as defined by European or (multi-) national "eco-labels", or by and any other eco-label, provided that the following conditions are cumulatively met:</p> <ul style="list-style-type: none"> <li>a) those specifications are appropriate to define the</li> </ul>

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	<p>stakeholders, such as government bodies, consumers, manufacturers, distributors and environmental organisations can participate, and</p> <ul style="list-style-type: none"> <li>- they are accessible to all interested parties.</li> </ul> <p>Contracting authorities may indicate that the products and services bearing the eco-label are presumed to comply with the technical specifications laid down in the contract documents; they must accept any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body.</p>		<p>stakeholders, such as government bodies, consumers, manufacturers, distributors and environmental organisations can participate, and</p> <ul style="list-style-type: none"> <li>- they are accessible to all interested parties.</li> </ul> <p>Contracting entities may indicate that the products and services bearing the eco-label are presumed to comply with the technical specifications laid down in the contract documents; they must accept any other appropriate means of proof, such as a technical dossier from the manufacturer or a test report from a recognised body.</p>		<p>characteristics of the supplies or services that represent the object of the public procurement contract;</p> <ul style="list-style-type: none"> <li>b) the requirements for the “eco-label” are drawn up on scientific basis;</li> <li>c) the “eco-labels” are adopted using a specific procedure that allowed the involvement of all interested parties - such as government bodies, consumers, producers, distributors and environmental organizations;</li> <li>d) “eco-labels” are accessible/available to all interested parties;</li> </ul> <p>(3) The contracting authority has the right to indicate within terms of references that the products and services bearing the “eco-label” are presumed to implicitly comply with the technical specifications laid down in the contract documents. On the other hand, the contracting authority does not have the right to consider a technical proposal as being non-compliant for the single reason that the products or services do not have the mentioned “eco-label” if the tenderer proves by whatever appropriate means that the products /services correspond to the requested technical specifications.</p> <p>(4) In the meaning of paragraph</p>

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					(3), an appropriate mean for proving the conformity with the technical specifications could be a technical dossier of the manufacturer or a test report from a recognized body as referred to in article 36 paragraph (3); the contracting authority has the obligation to accept certificates from recognized bodies established in any Member State.
23.7	<p>7. "Recognised bodies", within the meaning of this Article, are test and calibration laboratories and certification and inspection bodies which comply with applicable European standards.</p> <p>Contracting authorities shall accept certificates from recognised bodies established in other Member States.</p>	34.7	<p>7. "Recognised bodies", within the meaning of this Article, are test and calibration laboratories, and certification and inspection bodies which comply with applicable European standards.</p> <p>Contracting entities shall accept certificates from recognised bodies established in other Member States.</p>	36.3.p2	..... which might be, by case, a neutral testing and calibration laboratory or a certification and inspection body that ensures the respect for the application of the European standards; the contracting authority has the obligation to accept certificates from recognized bodies established in any Member State.
23.8	<p>8. Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain undertakings or certain products. Such reference shall be permitted on an exceptional basis, where a sufficiently precise and intelligible description of the subject-matter of the contract pursuant to paragraphs</p>		<p>8. Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or to a particular process, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain undertakings or certain products. Such reference shall be permitted, on an exceptional basis, where a sufficiently precise and intelligible description of the subject-matter of the contract pursuant to paragraphs</p>	38	<p>Article 38</p> <p>(1) It is forbidden to define in the terms of reference the technical specifications that indicate a specific source, production, make, a particular process, or trade marks, patents, types or a specific origin with the effect of favouring or eliminating certain economic operators or certain products.</p> <p>(2) By exception from the provisions of paragraph (1), such reference is allowed, only in an exceptional situation where a</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	3 and 4 is not possible; such reference shall be accompanied by the words "or equivalent".		3 and 4 is not possible; such reference shall be accompanied by the words "or equivalent".		sufficiently precise and intelligible description of the subject-matter of the contract for all interested parties is not possible by applying the provisions of art. 35 and 36 and only accompanied by the words "or equivalent".
na	na	35	<p>Article 35</p> <p>Communication of technical specifications</p> <p>1. Contracting entities shall make available on request to economic operators interested in obtaining a contract the technical specifications regularly referred to in their supply, works or service contracts, or the technical specifications which they intend to apply to contracts covered by periodic indicative notices within the meaning of Article 41(1).</p> <p>2. Where the technical specifications are based on documents available to interested economic operators, the inclusion of a reference to those documents shall be sufficient.</p>	na	na
na	na	na	na	170	<p>Chapter V</p> <p>Awarding the public procurement contract</p> <p>Section 1</p> <p>Tender. Variants</p> <p>Article 170</p> <p>The tenderer has the obligation to</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					elaborate the tender in accordance with the provisions of the tender documentation.
na	na	na	na	171	Article 171 The tender is compulsory, as regards the content, for the entire validity period established by the contracting authority.
na	na	na	na	172.1-3	Article 172 (1) The economic operator has the obligation to submit the tender to the address and within the deadline established in the participation notice or in the participation invitation. (2) The risks associated with tender submission, including the force majeure, are the responsibility of the economic operator. (3) The tender submitted to another address of the contracting authority than the established one or, after the specified submission deadline has expired, is returned unopened.
24.1	Article 24 Variants 1. Where the criterion for award is that of the most economically advantageous tender, contracting authorities may authorise tenderers to submit variants.	36.1.1.p1	Article 36 Variants 1. Where the criterion for the award of the contract is that of the most economically advantageous tender, contracting entities may take account of variants which are submitted by a tenderer .....	173.1	Article 173 (1) The contracting authority has the right to allow the tenderers to submit variants only when the awarding criterion is the most advantageous tender from the economic point of view.
24.2	2. Contracting authorities shall indicate in the contract notice whether or not they authorise	36.1.2.p1	Contracting entities shall indicate in the specifications whether or not they authorise variants .....	173.2	(2) The participation notice has to explicitly specify if the submission of the variants is authorised, or if this

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	variants: variants shall not be authorised without this indication.				possibility is forbidden. When this specification is missing, the alternative tenders/variants cannot be taken into account.
24.3	3. Contracting authorities authorising variants shall state in the contract documents the minimum requirements to be met by the variants and any specific requirements for their presentation.	36.1.2.p2	..... and, if so, the minimum requirements to be met by the variants and any specific requirements for their presentation.	174.1	Article 174 (1) The contracting authority that permits the submission of variants has the obligation to specify in the terms of reference the minimum compulsory requirements that must be accomplished by these tenders and any other specific requirements for their submission.
24.4.1	4. Only variants meeting the minimum requirements laid down by these contracting authorities shall be taken into consideration.	36.1.1.p2	..... and meet the minimum requirements specified by the contracting entities.	174.2	(2) The contracting authority shall not take into account the variants, which do not accomplish the minimum requirements provided for by paragraph (1).
24.4.2	In procedures for awarding public supply or service contracts, contracting authorities which have authorised variants may not reject a variant on the sole ground that it would, if successful, lead to either a service contract rather than a public supply contract or a supply contract rather than a public service contract.	36.2	2. In procedures for awarding supply or service contracts, contracting entities which have authorised variants pursuant to paragraph 1 may not reject a variant on the sole ground that it would, if successful, lead either to a service contract rather than a supply contract or to a supply contract rather than a service contract.		Article 175 In the case when the contracting authority announced the possibility to submit alternative tenders, the contracting authority doesn't have the right to reject a variant having as only reason the fact that, if this is declared winner: a) the supply contract for the awarding of which the procedure was organised is transformed into a services contract; or b) the services contract for the awarding of which the procedure was organised is transformed into supply contract.



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
25.1	<p>Article 25</p> <p>Subcontracting</p> <p>In the contract documents, the contracting authority may ask or may be required by a Member State to ask the tenderer to indicate in his tender any share of the contract he may intend to subcontract to third parties and any proposed subcontractors.</p>	37.s1	<p>Article 37</p> <p>Subcontracting</p> <p>In the contract documents, the contracting entity may ask, or may be required by a Member State to ask, the tenderer to indicate in his tender any share of the contract he intends to subcontract to third parties and any proposed subcontractors.</p>	45.2	<p>(2) In the case when the contracting authority requires so, the tenderer has the obligation to point out the share/shares of the contract that he intends to subcontract and the identification data of the proposed subcontractors.</p>
25.2	<p>This indication shall be without prejudice to the question of the principal economic operator's liability.</p>	37.s2	<p>This indication shall be without prejudice to the question of the principal economic operator's liability.</p>	45.1.p1	<p>Article 45</p> <p>(1) Without diminishing his responsibility regarding the performance of the future public procurement contract, .....</p>
na	na	na	na	45.1.p2	<p>..... the tenderer has the right to include in his technical proposal the possibility to subcontract a part of the respective contract.</p>
26	<p>Article 26</p> <p>Conditions for performance of contracts</p> <p>Contracting authorities may lay down special conditions relating to the performance of a contract, provided that these are compatible with Community law and are indicated in the contract notice or in the specifications. The conditions governing the performance of a contract may, in particular, concern social and environmental considerations.</p>	38	<p>Article 38</p> <p>Conditions for performance of contracts</p> <p>Contracting entities may lay down special conditions relating to the performance of a contract, provided that these are compatible with Community law and are indicated in the notice used as a means of calling for competition or in the specifications. The conditions governing the performance of a contract may, in particular, concern social and environmental considerations.</p>	39	<p>Article 39</p> <p>The contracting authority has the right to impose within the tender documentation, to the extent that these are compatible with Community law, special conditions relating to the performance of the contract with the goal to obtain certain social effects or related to environmental protection and promoting the sustainable development.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
27.1	<p>Article 27</p> <p>Obligations relating to taxes, environmental protection, employment protection provisions and working conditions</p> <p>1. A contracting authority may state in the contract documents, or be obliged by a Member State so to state, the body or bodies from which a candidate or tenderer may obtain the appropriate information on the obligations relating to taxes, to environmental protection, to the employment protection provisions and to the working conditions which are in force in the Member State, region or locality in which the works are to be carried out or services are to be provided and which shall be applicable to the works carried out on site or to the services provided during the performance of the contract.</p>	39.1	<p>Article 39</p> <p>Obligations relating to taxes, environmental protection, employment protection provisions and working conditions</p> <p>1. A contracting entity may state in the contract documents, or be required by a Member State so to state, the body or bodies from which a candidate or tenderer may obtain the appropriate information on the obligations relating to taxes, to environmental protection, to protection provisions and to the working conditions which are in force in the Member State, region or locality in which the services are to be provided and which shall be applicable to the works carried out on site or to the services provided during the performance of the contract.</p>	34.1 & 34.2.s1	<p>Article 34</p> <p>(1) The contracting authority has the right to point out within the tender documentation the competent institutions which from the economic operators can obtain information regarding the provisions on tax payment and/or environment protection.</p> <p>(2) The contracting authority has the obligation to point out in the tender documentation the compulsory rules related to the specific employment protection and working conditions that are in force at national level and that have to be respected during the performance of the contract or to indicate the competent bodies which from the economic operators may obtain appropriate information regarding the respective regulations.</p>
27.2	<p>2. A contracting authority which supplies the information referred to in paragraph 1 shall request the tenderers or candidates in the contract award procedure to indicate that they have taken account, when drawing up their tender, of the obligations relating to employment protection provisions and the working conditions which are in force in the place where the</p>	39.2	<p>2. A contracting entity which supplies the information referred to in paragraph 1 shall request the tenderers or candidates in the contract award procedure to indicate that they have taken account, when drawing up their tender, of the obligations relating to employment protection provisions and the working conditions which are in force in the place where the</p>	34.2.s2	<p>In this case, the contracting authority shall request the economic operators to indicate that they have taken into account, when drawing up their tender, of the specific employment protection and working conditions.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	works are to be carried out or the service is to be provided. The first subparagraph shall be without prejudice to the application of the provisions of <a href="#">Article 55</a> concerning the examination of abnormally low tenders.		service is to be provided. The first subparagraph shall be without prejudice to the application of Article 57.		
na	na	na	na	73	Section 2 Open procedure  Article 73 (1) The open procedure process is carried out, as a rule, in a single phase. (2) The contracting authority has the right to decide the organization of a supplementary phase of electronic auction, case in which it has the obligation to announce this decision in participation notice and within the tender documentation.
na	na	na	na	74	Article 74 The open procedure is initiated by sending for publication, according to the provisions of <a href="#">Article 55</a> , a participation notice by which it requires the interested economic operators to submit tenders.
na	na	na	na	81	Section 3 Restricted procedure  Article 81 (1) The restricted procedure is carried out, as a rule, in two phases:

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>a) the selection of the candidates, by applying the selection criteria;</p> <p>b) the evaluation of the tenders that were submitted by the selected candidates, by applying the awarding criteria.</p> <p>(2) The contracting authority has the right to decide the organization of a supplementary phase of electronic auction, case in which it has the obligation to announce this decision in the participation notice and within the tender documentation.</p>
na	na	na	na	82	<p>Article 82</p> <p>The restricted procedure is initiated by sending for publication a participation notice, according to art. 55, by which it requires the interested economic operators to submit candidatures</p>
na	na	na	na	96	<p>Article 96</p> <p>The competitive dialogue is carried out in three phases:</p> <p>a) the phase for pre-selection of candidates;</p> <p>b) the dialogue phase with the admitted candidates after the pre-selection phase are taking place, in order to identify the solution/solutions that could correspond to the contracting authority needs and based on the candidates will submit the final tender;</p> <p>c) the evaluation phase of the final</p>

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na	na	na	na	112	submitted tenders. Article 112 The negotiation, with publication of a participation notice, is initiated by sending for publishing of a participation notice according to <a href="#">Article 55</a> , by which interested economic operators are required to submit candidatures.
28.1	CHAPTER V Procedures  Article 28 Use of open, restricted and negotiated procedures and of competitive dialogue In awarding their public contracts, contracting authorities shall apply the national procedures adjusted for the purposes of this Directive.	40.1	CHAPTER V Procedures  Article 40 Use of open, restricted and negotiated procedures 1. When awarding supply, works or service contracts, contracting entities shall apply the procedures adjusted for the purposes of this Directive.	250.1	Section 3 Specific rules for awarding the sectoral contracts  Article 250 (1) The procedures for awarding the utilities contracts are: a) open procedure; b) restricted procedure; c) negotiation with publication of the participation notice ; d) negotiation without publication of the participation notice; e) request for tenders.
28.2	They shall award these public contracts by applying the open or restricted procedure. In the specific circumstances expressly provided for in Article 29, contracting authorities may award their public contracts by means of the competitive dialogue. In the specific cases and circumstances referred to expressly in Articles 30 and 31, they may apply a negotiated	na	na	20 (amended by L337/2006, point 16)	Article 20 (1) <i>The contracting authority has the obligation to award the public procurement contract, by applying the open procedure or the restricted procedure.</i> (2) By exception to provisions of paragraph (1), the contracting authority has the right to apply the other procedures provided by art. 18 paragraph (1) only in specific

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	procedure, with or without publication of the contract notice.				circumstances provided by art. 94, art. 110 paragraph (1), art. 122 or art. 124.
				(Article 5-6 of GD-295/2006)	<p>Article 5</p> <p>(1) Establishing the circumstances for applying each procedure and direct purchase provided by the emergency ordinance, according with the responsibility assumption principle is exclusive responsibility of the contracting authority.</p> <p>(2) The specialized unit, provided by in article 3, paragraph (1) has the obligation to elaborate a justification note, in all the situations when the proposed awarding procedure is different from the one established in article 20, paragraph (1) from the emergency ordinance, or, in case of awarding a sectoral contract, in article 251, paragraph (1) from the emergency ordinance.</p> <p>(3) The justification note is approved by the contracting authority through its legal representative, in accordance with his/her legal attributions, with the legal compartment approval, and it constitutes an element of the public procurement file.</p> <p>(4) In the case in which the procedure of request for tenders will be applied, the justification note must contain only explanations regarding</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the result of the estimation of the value of the public procurement contract that follows to be awarded, according with the Chapter 2, Section 2 of the emergency ordinance provisions.</p> <p>Article 6</p> <p>(1) The contracting authority has the right to initiate the application of the awarding procedure, only if the following conditions are cumulatively fulfilled:</p> <ul style="list-style-type: none"> <li>a) the products/services/works are included in the annual public procurement program, except the case when the necessity of awarding the contract is induce by a situation of force majeure or by fortuitous case ;</li> <li>b) the financing sources for ensuring the necessary funds for carrying out the public procurement contract are identified;</li> <li>c) the awarding documentation is drawn up.</li> </ul> <p>(2) The contracting authority has the right to purchase new products and services, necessary for current use until its budget is approved, taking into account the level of financial sources that can be used to this destination, according to the law, for that period.</p> <p>(3) The contracting authority has</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the right to extend the duration of the supply or services contracts having a regular character, concluded during the previous year, and whose normal period of execution expires on the 31st of December, if the following conditions are cumulatively fulfilled:</p> <ul style="list-style-type: none"> <li>a) in the awarding documentation, elaborated for awarding the initial contract, the possibility to supplement the quantities of products and services already purchased, as well as the maximal level of increase, have been already established;</li> <li>b) in the awarding documentation, as well as in the contract, a clause is explicitly foreseen, which states that the competent authority's right to decide the supplementation of the quantities of products or services is conditioned by the existence of financial sources having this destination;</li> <li>c) the estimated value of the initial contract was determined by taking into consideration the situation when the contracting authority decides the supplementation, up to the established maximal level, of the quantities of products or services;</li> <li>d) the extension of the initial contract duration cannot exceed a period of 4 months since its initial period of accomplishment expired.</li> </ul>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	40.2	2. Contracting entities may choose any of the procedures described in Article 1(9)(a), (b) or (c), provided that, subject to paragraph 3, a call for competition has been made in accordance with Article 42.	251	Article 251 (1) The contracting authority has the obligation to award the utilities contract, as a rule, by applying the open procedure, restricted procedure or negotiation with publication of the participation notice. (2) By exception from paragraph (1) provisions, the contracting authority has the right to apply the other procedures provided for by article 250 paragraph (1), only in specific circumstances provided for by article 252 or article 124.
29.1.1	Article 29 Competitive dialogue 1. In the case of particularly complex contracts, Member States may provide that where contracting authorities consider that the use of the open or restricted procedure will not allow the award of the contract, the latter may make use of the competitive dialogue in accordance with this Article.	na	na	94	Section 4 Competitive dialogue  Article 94 (1) The contracting authority has the right to apply the competitive dialogue procedure for awarding a public procurement contract if the two following conditions are cumulatively fulfilled: (a) the respective contract is considered to be particularly complex; (b) the application of the open or restricted procedure would not allow awarding of the respective public procurement contract.
29.1.2	A public contract shall be awarded on the sole basis of the award criterion for the most economically advantageous tender.	na	na	198.2	(2) When the award of the public procurement contract is achieved by applying the competitive dialogue, the awarding criterion used shall be

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					always the most advantageous tender from the technical-economic point of view.
29.2	2. Contracting authorities shall publish a contract notice setting out their needs and requirements, which they shall define in that notice and/or in a descriptive document.	na	na	97	Article 97 The competitive dialogue is initiated by sending for publishing, according to <a href="#">Article 55</a> provisions a participation notice by which interested economic operators are requested to submit tenders.
29.3.1	3. Contracting authorities shall open, with the candidates selected in accordance with the relevant provisions of Articles 44 to 52, a dialogue the aim of which shall be to identify and define the means best suited to satisfying their needs. They may discuss all aspects of the contract with the chosen candidates during this dialogue.	na	na	101.1 & 106.1	Article 101 (1) When it selects the candidates, the contracting authority has the obligation to apply objective and non-discriminatory criteria regarding only the technical, economical and financial capacity.  Article 106 (1) The contracting authority carries out consultations, with every admitted candidate, individually. Within these discussions are discussed the options referring to technical, financial arrangement, methods to resolve problems related to the legal framework, as well as any other elements of the future contract, so that the identified solutions to correspond to objective needs of the contracting authority.
29.3.2	During the dialogue, contracting authorities shall ensure equality of treatment among all tenderers. In	na	na	106.2	(2) During the discussions, the contracting authority has the obligation to ensure the equal

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others.				treatment of all candidates. In this purpose, the contracting authority has not the right to provide information in a discriminatory manner, which could create a supplementary advantage for a candidate.
29.3.3	Contracting authorities may not reveal to the other participants solutions proposed or other confidential information communicated by a candidate participating in the dialogue without his/her agreement.			106.3	(3) The contracting authority has the obligation not to disclose to other candidates the proposed solutions or other confidential information, communicated within the consultation by a candidate, without his agreement.
29.4	4. Contracting authorities may provide for the procedure to take place in successive stages in order to reduce the number of solutions to be discussed during the dialogue stage by applying the award criteria in the contract notice or the descriptive document. The contract notice or the descriptive document shall indicate that recourse may be had to this option.	na	na	105.2	(2) The contracting authority has the right to provide for, within the descriptive documentation, the procedure to take place in successive stages in order to reduce the number of discussed solutions The successive reduction of the solutions shall be made only by applying the award criteria provided in tender documentation.
29.5	5. The contracting authority shall continue such dialogue until it can identify the solution or solutions, if necessary after comparing them, which are capable of meeting its needs.	na	na	106.4	(4) The contracting authority carries out the dialog until it identifies the suitable solution/solutions.
29.6.1	6. Having declared that the dialogue is concluded and having so informed the participants, contracting authorities shall ask	na	na	106.5	(5) Having declared that the dialogue phase is concluded and having so informed the candidates, the contracting authority has the

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	them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue. These tenders shall contain all the elements required and necessary for the performance of the project.				obligation to invite the selected participants to submit the final tender on the basis of the solution/solutions presented during the consultations and that have to contain all the necessary elements by which the completion modality of the future contract is presented.
29.6.2	These tenders may be clarified, specified and fine-tuned at the request of the contracting authority. However, such clarification, specification, fine-tuning or additional information may not involve changes to the basic features of the tender or the call for tender, variations in which are likely to distort competition or have a discriminatory effect.	na	na	109.1 & 109.3	<p>Article 109</p> <p>(1) During the evaluation phase, the contracting authority has the right to require clarification and fine-tunes of the tender. The contracting authority shall assess the tenders received on the basis of the award criteria laid down in the tender documentation and shall establish the winner tender in accordance with article 198 paragraph (2).</p> <p>(3) In any of the situation provided for by paragraph (1) and (2), such clarification, fine-tuning, additional information and confirmations may not involved changes in the base characteristics of the tender or of the solutions on the base of call for final tenders was launched, that may conduct to competition distortion and may create a supplementary advantage in respect with other tenderers.</p>
29.7.1	7. Contracting authorities shall assess the tenders received on the	na	na	na	na

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	basis of the award criteria laid down in the contract notice or the descriptive document and shall choose the most economically advantageous tender in accordance with Article 53.				
29.7.2	At the request of the contracting authority, the tenderer identified as having submitted the most economically advantageous tender may be asked to clarify aspects of the tender or confirm commitments contained in the tender provided this does not have the effect of modifying substantial aspects of the tender or of the call for tender and does not risk distorting competition or causing discrimination.	na	na	109.2	(2) The contracting authority has the right to require to the tenderer identified as having the most technical and economical advantageous tender to confirm certain elements of the tender or some engagements assumed within the tender.
29.8	8. The contracting authorities may specify prices or payments to the participants in the dialogue.	na	na	105.1	Article 105 (1) The contracting authority has the obligation to include in the descriptive documentation at least a description of the necessities, objectives, constraints of the contracting authority, on the basis of which the consultations will take place in order to identify the suitable solution or solutions, as well as, if the case, premiums that will be awarded to the participants at the dialog.
30.1.a	Article 30 Cases justifying use of the negotiated procedure with prior publication of a contract notice	na	na	110.1.a & 110.2 (amended by	Section 5 Negotiation with publication of a participation notice

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>1. Contracting authorities may award their public contracts by negotiated procedure, after publication of a contract notice, in the following cases:</p> <p>(a) in the event of irregular tenders or the submission of tenders which are unacceptable under national provisions compatible with Articles 4, 24, 25, 27 and Chapter VII, in response to an open or restricted procedure or a competitive dialogue insofar as the original terms of the contract are not substantially altered.</p> <p>Contracting authorities need not publish a contract notice where they include in the negotiated procedure all of, and only, the tenderers which satisfy the criteria of Articles 45 to 52 and which, during the prior open or restricted procedure or competitive dialogue, have submitted tenders in accordance with the formal requirements of the tendering procedure;</p>			L337/2006, point 22)	<p>Article 110</p> <p>(1) <i>The contracting authority has the right to apply the negotiation with prior publication of a participation notice in the following cases:</i></p> <p>a) <i>when, after applying the open procedure, the restricted procedure or the competitive dialogue, no tenders have been submitted or all the tender are considered to be unacceptable or irregular. The application of the negotiation procedure in the above mentioned cases is possible only after the initial open, restricted or competitive dialogue procedure was cancelled and only if the initial requirements provided by the tender documentation are not substantially modified;</i></p> <p>(2) In the cases provided by paragraph (1) lett. a), the contracting authority has the right not to transmit for publication the participation notice if it invites to the negotiations all of, and only, the tenderers which satisfy the qualification and selection criteria during the prior procedure and that have submitted tenders in accordance with the formal requirements provided in the tender documentation.</p>
na	na	na	na	111	<p>Article 111</p> <p>In the cases provided for by Article 110, letter a), the contracting authority has the right to decide the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					organization of a final phase of electronic auction, case when it has the obligation to announce this decision within the participation notice and within the descriptive documentation.
30.1.b	(b) in exceptional cases, when the nature of the works, supplies, or services or the risks attaching thereto do not permit prior overall pricing;	na	na	110.1.b	b) in exceptional situations, duly justified, when the nature of the works/products/services or the risks attaching thereto, do not allow a prior overall pricing of the future public procurement contract;
30.1.c	(c) in the case of services, inter alia services within category 6 of Annex II A, and intellectual services such as services involving the design of works, insofar as the nature of the services to be provided is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by selection of the best tender according to the rules governing open or restricted procedures;	na	na	110.1.c	c) when the services that will be purchased, inter alia the financial services within category 6 of Annex 2A or intellectual services, such as services involving the design of works, so that the terms of references cannot be elaborated with sufficient precision to permit the awarding of the contract by applying rules governing open or restricted procedures;
30.1.d	(d) in respect of public works contracts, for works which are performed solely for purposes of research, testing or development and not with the aim of ensuring profitability or recovering research and development costs.	na	na	110.d	d) when the works that will be executed are needed exclusively for purpose of research, testing or technological development, and only if these are not carried out in order to obtain a profitability and do not aim at recovering the research and development costs.
30.2	2. In the cases referred to in paragraph 1, contracting authorities	na	na	120.1	Article 120 (1) The contracting authority carries

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	shall negotiate with tenderers the tenders submitted by them in order to adapt them to the requirements which they have set in the contract notice, the specifications and additional documents, if any, and to seek out the best tender in accordance with Article 53(1).				out the negotiations with every preselected candidate, individually. During the negotiations all technical, financial and legal aspects of the future contract shall be determined.
30.3.1	3. During the negotiations, contracting authorities shall ensure the equal treatment of all tenderers. In particular, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others.			120.2	(2) During the negotiations, the contracting authority has the obligation to ensure application of the equal treatment principle. In this purpose, the contracting authority has no right to issue information in a discriminatory manner, information that could create supplementary advantages for one or more candidates.
na	na	na	na	120.3	(3) The contracting authority has the obligation not to disclose to other candidates the tender or other confidential information, communicated within the negotiation by a candidate, without his agreement.
30.4	4. Contracting authorities may provide for the negotiated procedure to take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria in the contract notice or the specifications. The contract notice or the specifications shall indicate			121.1	Article 121 (1) The contracting authority has the right to provide for, within the descriptive documentation, the procedure to take place in successive stages in order to reduce the number of proposed tenders to be negotiated. The successive reduction of the proposed tenders shall be made only



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	whether recourse has been had to this option.				by applying the award criteria provided in tender documentation.
na	na	na	na	121.2-4	(2) The contracting authority shall carry out negotiations until the most advantageous technical and economical tender will be identified, based on the contract award criteria. (3) The contracting authority has the obligation to require the candidate from which it obtained, as a result of the negotiations, the most advantageous technical and economical tender, to confirm the result of the negotiations by submitting a final tender. (4) The tenderer does not have the right to modify in the final tender the elements agreed during the negotiation process.
31.1.s1	Article 31 Cases justifying use of the negotiated procedure without publication of a contract notice Contracting authorities may award public contracts by a negotiated procedure without prior publication of a contract notice in the following cases:	na	na	122.s1	Section 6 Negotiation without publication of a participation notice  Article 122 The contracting authority has the right to apply the negotiation without publication of a participation notice, only in the following cases:
na	na	40.3.s1	3. Contracting entities may use a procedure without prior call for competition in the following cases:	252.s1	Article 252 When it awards a sectoral contract, the contracting authority has the right to apply the procedure of negotiation without publication of the participation notice only in the following cases:

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31.1.a	(1) for public works contracts, public supply contracts and public service contracts: (a) when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of contract are not substantially altered and on condition that a report is sent to the Commission if it so requests;	na	na	Ex-122.a (amended by L337/2006, point 24)	na
na	na	40.3.a	(a) when no tenders or no suitable tenders or no applications have been submitted in response to a procedure with a prior call for competition, provided that the initial conditions of contract are not substantially altered;	252.a	a) when, after applying the open procedure, restricted procedure or negotiation with publication of the participation notice, no tender have been submitted or all the submitted tenders are considered to be not suitable due to the fact that these are completely irrelevant to the contract. The application of the negotiation procedure in the above mentioned case is possible only after the initial procedure was cancelled and only if the initial requirements provided by the tender documentation are not substantially modified;
31.1.b	(b) when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;	na	na	122.b	b) due to technical, artistic reasons or to reasons related to the protection of exclusive rights, the public procurement contract can be awarded only to a particular economic operator;
na	na	40.3.c	(c) when, for technical or artistic	252.b	b) when, due to technical, artistic

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			reasons, or for reasons connected with the protection of exclusive rights, the contract may be executed only by a particular economic operator;		reasons, or to reasons related by protection of exclusive rights, the public procurement contract can be awarded only to a particular economic operator;
31.1.c	(c) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities in question, the time limit for the open, restricted or negotiated procedures with publication of a contract notice as referred to in Article 30 cannot be complied with. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority;	na	na	122.c	c) insofar as is strictly necessary when the time limits for open procedure, restricted procedure or negotiation with publication of a participation notice, cannot be respected due to extreme emergency reasons caused by unpredictable events that can not be imputed to an action or a non-action of the contracting authority. The contracting authority has no right to establish longer period contract duration that it is necessary in order to manage the respective emergency situation that determined the application of the negotiation without publication of a participation notice;
na	na	40.3.d	(d) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting entities, the time limits laid down for open procedures, restricted procedures and negotiated procedures with a prior call for competition cannot be adhered to;	252.c	c) insofar as is strictly necessary when the time limits for open procedure, restricted procedure or negotiation with publication of a participation notice, cannot be respected due to extreme emergency reasons caused by unpredictable events that can not be imputed to an action or a non-action of the contracting authority. The contracting authority has no right to establish longer period contract duration that it

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					is necessary in order to manage the respective emergency situation that determined the application of the negotiation without publication of a participation notice;
31.2.a	(2) for public supply contracts: (a) when the products involved are manufactured purely for the purpose of research, experimentation, study or development; this provision does not extend to quantity production to establish commercial viability or to recover research and development costs;	na	na	122.d	d) the products that will be supplied are manufactured exclusively for the purpose of research, experiments, studies or technological development, and only if these products are not produced for profit or for recovering the research and development costs;
na	na	40.3.b	(b) where a contract is purely for the purpose of research, experiment, study or development, and not for the purpose of securing a profit or of recovering research and development costs, and insofar as the award of such contract does not prejudice the competitive award of subsequent contracts which do seek, in particular, those ends;	252.d	d) when the contract that will be awarded is exclusively destined in the purpose of research, experiment, studies or technical development and only if these are not accomplished for obtaining profit or to recover the research and development costs, and insofar the respective contract does not affect the awarding based on competition of the subsequent contracts that are intended for the proposed purpose;
31.2.b	(b) for additional deliveries by the original supplier which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the	na	na	122.e	e) purchasing additional quantities of the products that will partially replace or extend the equipments/ installations initially supplied from the original supplier is necessary, and only if a change of the initial supplier would oblige contracting authority to

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	contracting authority to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the length of such contracts as well as that of recurrent contracts may not, as a general rule, exceed three years;				acquire products that have different technical characteristics from the existing products would determine technical incompatibilities or disproportionate difficulties in operation and maintenance. The length of such contracts or recurrent contracts shall not, as a general rule, exceed more than 3 years;
na	na	40.3.e	(e) in the case of supply contracts for additional deliveries by the original supplier which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the contracting entity to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance;	252.e	e) when it is necessary to purchase, from the original supplier, additional quantities of products designated to partially replace or to extend the equipments/ installations anterior supplied and only if the change of the initial supplier would oblige the contracting authority to acquire products having disproportionate incompatibilities or technical difficulties of performance and maintenance because of technical characteristics that are different compared to those existing.
31.2.c	(c) for supplies quoted and purchased on a commodity market;	na	na	122.f	f) the products are quoted to the commodity exchange and their purchasing is carried out by transactions in this system;
na	na	40.3.h	(h) for supplies quoted and purchased on a commodity market;	522.f	f) when the products are quoted on commodity exchange, and those purchasing is accomplished by transaction in this system;
31.2.d	(d) for the purchase of supplies on particularly advantageous terms, from either a supplier which is	na		122.g	g) the products can be purchased under particularly advantageous conditions from an economic operator

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	definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure under national laws or regulations;				that definitively winds up its business activity, from a court that manages the affairs of an economic operator in bankruptcy or winding up its activity, or by agreement with the creditors of an economic operator in bankruptcy or winding up its activity or by other similar procedure, stipulated by law;
na	na	40.3.k	(k) for purchases of supplies under particularly advantageous conditions from either a supplier definitively winding up his business activities or the receivers or liquidators of a bankruptcy, an arrangement with creditors or a similar procedure under national laws or regulations;	252.g (amended by L337/2006, point 37)	<i>g) when the products can be purchased under particularly advantageous condition from an economic operator that definitively winds up his business, from a court that manages the affairs of an economic operator in bankruptcy or winding up his activity, by an agreement with the creditors of an economic operator that is in bankruptcy or is being wind up or by other similar procedure, stipulated by law;</i>
31.3	(3) for public service contracts, when the contract concerned follows a design contest and must, under the applicable rules, be awarded to the successful candidate or to one of the successful candidates, in the latter case, all successful candidates must be invited to participate in the negotiations;	na	na	122.h	h) as a result of a design contest, the services contract shall be awarded, according to the initially established rules, to the winner competitor or to one of the winners, in the last case the contracting authority having the obligation to send an invitation to the negotiation to all winning competitors;
na	na	40.3.l	(l) when the service contract concerned is part of the follow-up to a design contest organised in	252.i	i) when, as a result of a design contest, the services contract shall be awarded, according to the initially

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			accordance with the provisions of this Directive and shall, in accordance with the relevant rules, be awarded to the winner or to one of the winners of that contest; in the latter case, all the winners shall be invited to participate in the negotiations.		established rules, to winner competitor or to one of the winners, in the last case the contracting authority having the obligation to send the invitation for negotiations to all winning competitors.
31.4.a	<p>(4) for public works contracts and public service contracts:</p> <p>(a) for additional works or services not included in the project initially considered or in the original contract but which have, through unforeseen circumstances, become necessary for the performance of the works or services described therein, on condition that the award is made to the economic operator performing such works or services:</p> <ul style="list-style-type: none"> <li>- when such additional works or services cannot be technically or economically separated from the original contract without major inconvenience to the contracting authorities,</li> <li>or</li> <li>- when such works or services, although separable from the performance of the original contract, are strictly necessary for its completion.</li> </ul> <p>However, the aggregate value of contracts awarded for additional</p>	na	na	122.i	<p>i) the purchasing of additional services or works is necessary, even if these have not been included in the initial services or works contract previously awarded to a contractor but have become, due to unforeseen circumstances, necessary for the performance of the respective contract and only if the following conditions are cumulatively observed:</p> <ul style="list-style-type: none"> <li>- the contract shall be awarded to the initial contractor;</li> <li>- the additional works/services contract cannot be separated, from both technical and economical point of view, from the original contract because, otherwise, this would bring major inconvenience to the contracting authority or, even if separable from the original contract, they are strictly necessary for the completion of the contract;</li> <li>- the aggregated value of the contracts awarded for additional works and services shall not exceed 50% of the value of the initially</li> </ul>

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	works or services may not exceed 50 % of the amount of the original contract;				awarded services/works contract.
na	na	40.3.f	(f) for additional works or services which were not included in the project initially awarded or in the contract first concluded but have, through unforeseen circumstances, become necessary to the performance of the contract, on condition that the award is made to the contractor or service provider executing the original contract: <ul style="list-style-type: none"> <li>- when such additional works or services cannot be technically or economically separated from the main contract without great inconvenience to the contracting entities, or</li> <li>- when such additional works or services, although separable from the performance of the original contract, are strictly necessary to its later stages;</li> </ul>	252.j	j) when the contracting authority intends to purchase additional services or works which, even if not included in the initial services or works contract previously awarded to a contractor have become, due to unforeseeable circumstances, necessary for the performance of the respective contract and only if the following conditions are observed: <ul style="list-style-type: none"> <li>- the contract to be awarded to the initial contractor;</li> <li>- the additional works/services cannot be separated from the technical and economical point of view, from the original contract because otherwise this would bring major inconvenience to the contracting authority or, even if separable from the original contract, are strictly necessary for the completion of the contract;</li> </ul>
31.4.b	(b) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to whom the same contracting authorities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to	na	na	122.j	j) following the awarding of a services/works contract, the contracting authority intends to purchase new services or new works similar to the services or works foreseen by the original contract and only if the following conditions are observed, cumulatively: <ul style="list-style-type: none"> <li>- the contract is awarded to the initial contractor and the new</li> </ul>



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	<p>the open or restricted procedure.</p> <p>As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities when they apply the provisions of <a href="#">Article 7</a>.</p> <p>This procedure may be used only during the three years following the conclusion of the original contract.</p>				<p>works/services shall repeat works or services that are similar to the ones foreseen in the initial awarded contract and are in conformity with the requirements foreseen in the terms of reference elaborated when the initial contract was awarded;</p> <ul style="list-style-type: none"> <li>- the initial works/services contract was awarded by open or restricted procedure;</li> <li>- the estimated value of the initial services or works contract has been determined including the value of similar services or works to be subsequently purchased;</li> <li>- in the participation notice for the awarding of the original services or works contract, it has been mentioned that, for the subsequent purchase of similar services or works, the contracting authority may choose the winner economic agent under the terms and conditions of the applied procedure;</li> <li>- the contracting authority has the right to apply this procedure within maximum three years from the awarding of the original contract.</li> </ul>
na	na	40.3.g	(g) in the case of works contracts, for new works consisting in the repetition of similar works assigned to the contractor to which the same contracting entities awarded an earlier contract, provided that such	252.k	k) when, following the awarding of a works contract, the contracting authority intends to purchase new works similar to the works foreseen by the original contract and only if the following conditions are observed:

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			works conform to a basic project for which a first contract was awarded after a call for competition; as soon as the first project is put up for tender, notice shall be given that this procedure might be adopted and the total estimated cost of subsequent works shall be taken into consideration by the contracting entities when they apply the provisions of Articles 16 and 17;		<ul style="list-style-type: none"> <li>- the contract is awarded to initial contractor and the new works consist in repetition of works similar with those provided in the contract initially awarded and are in conformity with the requirements of the terms of reference elaborated for the award of the original contract;</li> <li>- the original contract of works was awarded through open procedure, restricted procedure or negotiation with publication of the participation notice;</li> <li>- the estimated value of the original works contract has been determined including the value of similar works to be subsequently purchased;</li> <li>- in the participation notice for the award of the original works contract has been mentioned that the contracting authority has the right to choose for subsequent purchase of similar works from the economic operator whose tender will be declared winner within the respective procedure.</li> </ul>
na	na	40.3.i	(i) for contracts to be awarded on the basis of a framework agreement, provided that the condition referred to in Article 14(2) is fulfilled;	na	na
na	na	40.3.j	(j) for bargain purchases, where it is possible to procure supplies by taking advantage of a particularly	252.h	h) when it is possible to purchase products with a considerable more low price than the market price, as a

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			advantageous opportunity available for a very short time at a price considerably lower than normal market prices;		result of a very advantageous situation, available only for a short period of time;
na	na	na	na	123	Article 123 In the case when is possible and insofar the conditions provided for by article 122, letters h), i) and j) are not breached, the contracting authority has the obligation to invite to negotiation a sufficient number of economic operators in order to ensure a genuine competition.
na	na	na	na	253	Article 253 In the case when this thing is possible and insofar the conditions provided for by article 252, letters i), j) and k) are not breached; the contracting authority has the obligation to invite to negotiation a sufficient number of economic operators in order to ensure a genuine competition.
32.1	Article 32 Framework agreements 1. Member States may provide that contracting authorities may conclude framework agreements.	14.1	Article 14 Framework agreements 1. Contracting entities may regard a framework agreement as a contract within the meaning of Article 1(2) and award it in accordance with this Directive.	na	na
32.2.1.s1	2. For the purpose of concluding a framework agreement, contracting authorities shall follow the rules of	na	na	142	Chapter IV Special modalities for awarding the public procurement contract

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	procedure referred to in this Directive for all phases up to the award of contracts based on that framework agreement.				<p>Section 1 The framework agreement</p> <p>Article 142 (1) The contracting authority has the obligation to conclude a framework agreement, as a rule, by applying the open or restricted procedures. (2) By exception to the provisions of paragraph (1), for closing a framework agreement, the contracting authority has the right to apply the other procedures provided by Article 18 only in the specific circumstances provided in this law.</p>
32.2.1.s2	The parties to the framework agreement shall be chosen by applying the award criteria set in accordance with Article 53.	na	na	146	<p>Article 146 The contracting authority has the obligation to select the economic operator or, by case, the economic operators that will be part of the respective framework agreement, by applying the selection and awarding criteria provided by Chapter V.</p>
32.2.2.s1	Contracts based on a framework agreement shall be awarded in accordance with the procedures laid down in paragraphs 3 and 4.	14.2-3	<p>2. Where contracting entities have awarded a framework agreement in accordance with this Directive, they may avail themselves of Article 40(3)(i) when awarding contracts based on that framework agreement.</p> <p>3. Where a framework agreement has not been awarded in</p>	na	na

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			accordance with this Directive, contracting entities may not avail themselves of Article 40(3)(i).		
32.2.2.s2	Those procedures may be applied only between the contracting authorities and the economic operators originally party to the framework agreement.	na	na	144.2	(2) The contracts awarded on the basis of a framework agreement may only be concluded between the contracting authority/contracting authorities and the economic operator/economic operators that are parties to the respective agreement.
32.2.3	When awarding contracts based on a framework agreement, the parties may under no circumstances make substantial amendments to the terms laid down in that framework agreement, in particular in the case referred to in paragraph 3.	na	na	145	Article 145 When the contracting authority awards a public procurement contract on the basis of a framework agreement provisions, it shall not impose or accept substantial modifications of the initially established elements/ conditions in the respective framework agreement.
32.2.4	The term of a framework agreement may not exceed four years, save in exceptional cases duly justified, in particular by the subject of the framework agreement.	na	na	144.1	Article 144 (1) The contracting authority does not have the right to decide that the duration of a framework agreement should exceed four years but in exceptional cases that can be duly justified, especially by the specific object of the contracts that follow to be awarded based on the respective framework agreement.
32.2.5	Contracting authorities may not use framework agreements improperly or in such a way as to prevent, restrict or distort competition.	14.4	4. Contracting entities may not misuse framework agreements in order to hinder, limit or distort competition.	143	Article 143 The contracting authority does not have the right to use abusively or improperly the framework agreements, as such as to prevent,

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na	na	na	na	147.1	restrict or distort the competition. Article 147 (1) When the contracting authority concludes the framework agreement with only one economic operator, then the respective agreement shall provide at least: a) the obligations assumed by the economic operator in the technical proposal; b) the unit price that the economic operator provided in the financial proposal, based on which the price of every subsequently awarded contract will be calculated.
32.3.1	3. Where a framework agreement is concluded with a single economic operator, contracts based on that agreement shall be awarded within the limits of the terms laid down in the framework agreement.	na	na	147.2	(2) The contracting authority has the right to award the public procurement contracts that are subsequent to the framework agreement only by respecting the technical and financial conditions and only with respect to the limit quantities foreseen in the respective framework agreement.
32.3.2	For the award of those contracts, contracting authorities may consult the operator party to the framework agreement in writing, requesting it to supplement its tender as necessary.	na	na	147.3	(3) Every time the contracting authority intends to award a public procurement contract that is subsequent to the framework agreement, it has the obligation to consult in writing the economic operator, requesting it to supplement a tender as necessary.
32.4.1	4. Where a framework agreement is concluded with several economic operators, the latter must be at least	na	na	148	Article 148 In the case when the contracting authority concludes the framework

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	three in number, insofar as there is a sufficient number of economic operators to satisfy the selection criteria and/or of admissible tenders which meet the award criteria.				agreement with more economic operators, their number cannot be lower than 3, insofar a sufficient number of economic operators that have fulfilled the qualification and selection criteria exists and have presented suitable tenders.
na	na	na	na	149.1	Article 149 (1) When the contracting authority concludes the framework agreement with more than one economic operator, then the respective agreement shall provide at least: a) the obligations assumed by each economic operator in the technical proposal; b) the unit price that each economic operator has foreseen in the financial proposal;
32.4.2.i1	Contracts based on framework agreements concluded with several economic operators may be awarded either: - by application of the terms laid down in the framework agreement without reopening competition, or	na	na	149.2.a	(2) The contracting authority has the right to award public procurement contracts that are subsequent to the framework agreement concluded with more than one economic operator as follows: a) either without reopening of the competition; or
32.4.2.i2.p 1	- where not all the terms are laid down in the framework agreement, when the parties are again in competition on the basis of the same and, if necessary, more precisely formulated terms, and, where appropriate, other terms	na	na	149.2.b & 149.3-4	b) by reopening of the competition between the signatory operators of the framework agreement. (3) The contracting authority has the right to award public procurement contracts with regard to the conditions foreseen in paragraph (2), letter a)

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	referred to in the specifications of the framework agreement,				only if all the terms that will govern the respective contracts were established in the framework agreement. (4) The contracting authority has the right to award public procurement contracts in the conditions provided by paragraph (2) letter b): a) either by respecting the terms provided in the framework agreement; b) or, if not all the terms have been lay down in the framework-agreement, by detailing these or, where appropriate, by introducing other terms referred to in the specifications of the framework agreement.
32.4.2.i2.p 2	in accordance with the following procedure:	na	na	150.s1	Article 150 In the case provided by art. 149 paragraph (4) letter b), the contracting authority has the obligation to reopen the competition in accordance with the following procedure:
32.4.2.i2.a	(a) for every contract to be awarded, contracting authorities shall consult in writing the economic operators capable of performing the contract;	na	na	150.a	a) for every contract to be awarded, the contracting authorities shall consult in writing the signatory economic operators of the respective framework agreement;
32.4.2.i2.b	(b) contracting authorities shall fix a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject-matter of	na	na	150.b	b) the contracting authorities shall fix a sufficiently long time limit that for submitting tenders, having the obligation to take into account the aspects as also the complexity of the subject-matter of the contract and the



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	the contract and the time needed to send in tenders;				time needed for submitting tenders;
32.4.2.i2.c	(c) tenders shall be submitted in writing, and their content shall remain confidential until the stipulated time limit for reply has expired;	na	na	150.c	c) the tenders shall be submitted in writing, and their content shall remain confidential until the stipulated time limit for reply has expired;
32.4.2.i2.d	(d) contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement.	na	na	150.d	d) the contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the terms of reference of the framework agreement.
33.1	Article 33 Dynamic purchasing systems 1. Member States may provide that contracting authorities may use dynamic purchasing systems.	15.1	Article 15 Dynamic purchasing systems 1. Member States may provide that contracting entities may use dynamic purchasing systems.	151.1 (amended by L337/2006, point 25)	Section 2 Dynamic purchasing system  Article 151 (1) <i>The contracting authority has the right to utilize a dynamic purchasing system only thru ESPP and only for the purchase of common used products, with characteristics generally available on the market that can satisfy its needs.</i>
33.2.s1	2. In order to set up a dynamic purchasing system, contracting authorities shall follow the rules of the open procedure in all its phases up to the award of the contracts to be concluded under this system.	15.2.s1	2. In order to set up a dynamic purchasing system, contracting entities shall follow the rules of the open procedure in all its phases up to the award of the contracts to be concluded under this system.	153	Article 153 The contracting authority has the obligation to follow the rules of the open procedure in all the phases of the dynamic purchasing system.
33.2.s2.p1	All the tenderers satisfying the selection criteria and having submitted an indicative tender which complies with the	15.2.s2.p1	All tenderers who satisfy the selection criteria and have submitted an indicative tender which complies with the	156.1	Article 156 (1) After the launch of the dynamic purchasing system and for the entire period of its duration the contracting

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	specification and any possible additional documents shall be admitted to the system;		specification and any possible additional documents shall be admitted to the system;		authority has the obligation to allow any interested economic operator to submit an indicative tender In order to be admitted within the system.
33.2.s2.p2	indicative tenders may be improved at any time provided that they continue to comply with the specification.	15.2.s2.p2	indicative tenders may be improved at any time provided that they continue to comply with the specification.	157	Article 157 The tenderer has the right to improve his indicative tender at any time, if his technical proposal meets the requirements in the terms of references.
33.2.s3	With a view to setting up the system and to the award of contracts under that system, contracting authorities shall use solely electronic means in accordance with Article 42(2) to (5).	15.2.s3	With a view to setting up the system and to the award of contracts under that system, contracting entities shall use solely electronic means in accordance with Article 48(2) to (5).	154	Article 154 With the purpose of launching the dynamic system of purchasing and awarding the public procurement contracts within this system, the contracting authority has the obligation to use only electronic means, observing at the same time the provision regarding the communications and the sending rules of the tenders established by Article 59, paragraph (3), Article 61, Article 64 and Article 65.
33.3.a	3. For the purposes of setting up the dynamic purchasing system, contracting authorities shall: (a) publish a contract notice making it clear that a dynamic purchasing system is involved;	15.3.a	3. For the purposes of setting up the dynamic purchasing system, contracting entities shall: (a) publish a contract notice making it clear that a dynamic purchasing system is involved;	155.a	Article 155 When the contracting authority sets up a dynamic purchasing system, it has the obligation to: a) publish a participation notice in which the fact is clearly pointed out that in order to award the public procurement contract/contracts, a dynamic purchasing system will be used, as well as the internet address where the tender documentation is

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					available.
33.3.b	(b) indicate in the specification, amongst other matters, the nature of the purchases envisaged under that system, as well as all the necessary information concerning the purchasing system, the electronic equipment used and the technical connection arrangements and specifications;	15.3.b	(b) indicate in the specification, amongst other matters, the nature of the purchases envisaged under that system, as well as all the necessary information concerning the purchasing system, the electronic equipment used and the technical connection arrangements and specifications;	155.b	b) indicate in the terms of reference, among the characteristics of the products that will be purchased, relevant information concerning the characteristics of the dynamic purchasing system, the electronic equipment used and the technical connection and details for accessing the system;
33.3.c	(c) offer by electronic means, on publication of the notice and up to the expiry of the system, unrestricted, direct and full access to the specification and to any additional documents and shall indicate in the notice the internet address at which such documents may be consulted.	15.3.c	(c) offer by electronic means, on publication of the notice and until the system expires, unrestricted, direct and full access to the specification and to any additional documents and shall indicate in the notice the internet address at which such documents may be consulted.	155.c	c) allow through electronic means, starting with the moment of publishing the participation notice and till the conclusion of the dynamic purchasing system, the direct, full and unrestricted access to the tender documentation.
33.4.1.s1	4. Contracting authorities shall give any economic operator, throughout the entire period of the dynamic purchasing system, the possibility of submitting an indicative tender and of being admitted to the system under the conditions referred to in paragraph 2.	15.4.1.s1	4. Contracting entities shall give any economic operator, throughout the entire period of the dynamic purchasing system, the possibility of submitting an indicative tender and of being admitted to the system under the conditions referred to in paragraph 2.	na	na
33.4.1.s2	They shall complete evaluation within a maximum of 15 days from the date of submission of the indicative tender. However, they may extend the evaluation period provided that no invitation to tender	15.4.1.s2	They shall complete evaluation within a maximum of 15 days from the date of submission of the indicative tender. However, they may extend the evaluation period provided that no invitation to tender	156.2-3	(2) After receiving an indicative tender, the contracting authority has the obligation to verify if the tenderer meets the qualification criteria established and if the technical proposal meets the requirements

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	is issued in the meantime.		is issued in the meantime.		within the terms of references. (3) The contracting authority has the obligation to finalize the checking provided for by paragraph (2) within 15 days since an indicative tender has been received.
33.4.2	The contracting authority shall inform the tenderer referred to in the first subparagraph at the earliest possible opportunity of its admittance to the dynamic purchasing system or of the rejection of its indicative tender.	15.4.2	Contracting entities shall inform the tenderer referred to in the first subparagraph at the earliest possible opportunity of its admittance to the dynamic purchasing system or of the rejection of its indicative tender.	156.4	(4) After finalizing the verification provided for by paragraph (2), the contracting authority has the obligation to immediately inform the tenderer regarding the admittance in the dynamic purchasing system or, according to the case, about the rejection of the indicative tender.
33.5.s1 & 33.5.s2.p1	5. Each specific contract must be the subject of an invitation to tender. Before issuing the invitation to tender, contracting authorities shall publish a simplified contract notice inviting all interested economic operators to submit an indicative tender, in accordance with paragraph 4, .....	15.5.s1 & 15.5.s2.p1	5. Each specific contract shall be the subject of an invitation to tender. Before issuing the invitation to tender, contracting entities shall publish a simplified contract notice inviting all interested economic operators to submit an indicative tender, in accordance with paragraph 4, .....	158	Article 158 (1) With the purpose of awarding the public procurement contracts through the dynamic system of public procurement, the contracting authority has the obligation to publish for every contract a new simplified participation notice soliciting the submitting of indicative tenders by any economic operator interested, according to the provisions of article 156.
33.5.s2.p2	..... within a time limit that may not be less than 15 days from the date on which the simplified notice was sent.	15.5.s2.p2	within a time limit that may not be less than 15 days from the date on which the simplified notice was sent.	158.2	(2) The contracting authority has the obligation to set a time limit for the submission of the indicative tenders that should not be sooner than 15 days since the simplified participation notice provided for by paragraph (1) has been published.
33.5.s3	Contracting authorities may not	15.5.s3	Contracting entities may not	159.2	(2) The contracting authority has not

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	proceed with tendering until they have completed evaluation of all the indicative tenders received by that deadline.		proceed with tendering until they have completed evaluation of all the indicative tenders received within that time limit.		the right to invite the tenderers to submit a final tender before finalizing the checking of every indicative tender submitted within the time limit provided in article 158 (2).
33.6	6. Contracting authorities shall invite all tenderers admitted to the system to submit a tender for each specific contract to be awarded under the system. To that end they shall set a time limit for the submission of tenders.	15.6	6. Contracting entities shall invite all tenderers admitted to the system to submit a tender for each specific contract to be awarded under the system. To that end, they shall set a time limit for the submission of tenders.	159.1	Article 159 (1) The contracting authority has the obligation to invite every tenderer admitted within the dynamic procurement system to submit a final tender for the public procurement contract that will awarded, establishing to this end a time limit for submitting.
33.6.2	They shall award the contract to the tenderer which submitted the best tender on the basis of the award criteria set out in the contract notice for the establishment of the dynamic purchasing system. Those criteria may, if appropriate, be formulated more precisely in the invitation referred to in the first subparagraph.	15.6.2	They shall award the contract to the tenderer which submitted the best tender on the basis of the award criteria set out in the contract notice for the establishment of the dynamic purchasing system. Those criteria may, if appropriate, be formulated more precisely in the invitation referred to in the first subparagraph.	160	Article 160 The contracting authority has the obligation to award the respective public procurement contract to the tenderer that has the better tender according to the awarding criteria provided in participation notice published with the occasion of launching the dynamic purchasing system. The contracting authority has the right to supplementary detail these criteria, within the invitation provided by Article 159, paragraph (1).
33.7.1	7. A dynamic purchasing system may not last for more than four years, except in duly justified exceptional cases.	15.7.1	7. A dynamic purchasing system may not last for more than four years, except in duly justified exceptional cases.	152	Article 152 The contracting authority does not have the right to set-up that the duration of a dynamic purchasing system may exceed 4 years, except

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					in duly justified exceptional cases.
33.7.2	Contracting authorities may not resort to this system to prevent, restrict or distort competition.	15.7.2	Contracting entities may not resort to this system to prevent, restrict or distort competition.	151.2	(2) The contracting authority does not have the right to abusively or improperly use the dynamic purchasing system as such as to prevent, restrict, or distort the competition.
33.7.3	No charges may be billed to the interested economic operators or to parties to the system.	15.7.3	No charges may be billed to the interested economic operators or to parties to the system.	151.3	(3) It is forbidden to collect any charges for participation from the economic operators or from the parties to the dynamic purchasing system.
34.1-2	<p>Article 34</p> <p>Public works contracts: particular rules on subsidised housing schemes</p> <p>In the case of public contracts relating to the design and construction of a subsidised housing scheme the size and complexity of which, and the estimated duration of the work involved require that planning be based from the outset on close collaboration within a team comprising representatives of the contracting authorities, experts and the contractor to be responsible for carrying out the works, a special award procedure may be adopted for selecting the contractor most suitable for integration into the team.</p> <p>In particular, contracting</p>	na	na	na	na

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	<p>authorities shall include in the contract notice as accurate as possible a description of the works to be carried out so as to enable interested contractors to form a valid idea of the project.</p> <p>Furthermore, contracting authorities shall, in accordance with the qualitative selection criteria referred to in Articles 45 to 52, set out in such a contract notice the personal, technical, economic and financial conditions to be fulfilled by candidates.</p>				
34.3	Where such a procedure is adopted, contracting authorities shall apply Articles 2, 35, 36, 38, 39, 41, 42, 43 and 45 to 52.	na	Na	na	na
35.1.1.s1	<p>CHAPTER VI Rules on advertising and transparency Section 1 Publication of notices</p> <p>Article 35 Notices 1. Contracting authorities shall make known, by means of a prior information notice published by the Commission or by themselves on their "buyer profile", as described in point 2(b) of Annex VIII:</p>	41.1.1.s1	<p>CHAPTER VI Rules on publication and transparency Section 1 Publication of notices</p> <p>Article 41 Periodic indicative notices and notices on the existence of a system of qualification 1. Contracting entities shall make known, at least once a year, by means of a periodic indicative notice as referred to in Annex XV A, published by the Commission or by themselves on their "buyer profile",</p>	na	na

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			as described in point 2(b) of Annex XX:		
35.1.1.a.1	<p>(a) where supplies are concerned, the estimated total value of the contracts or the framework agreements by product area which they intend to award over the following 12 months, where the total estimated value, taking into account Articles 7 and 9, is equal to or greater than EUR 750000.</p> <p><i>[Regulation 1564/2005, Article 2] Contracting authorities shall, from the date of entry into force of respective national measures transposing Directive 2004/18/EC and from 1 February 2006 at the latest, use, for the publication in the Official Journal of the European Union of the notices referred to in <a href="#">Articles 35</a>, 36, 58, 64, 69 and 70 of that Directive, the standard forms set out in Annexes I, II, III and VIII to XIII to this Regulation.</i></p>	41.1.1.a.1	<p>(a) where supplies are concerned, the estimated total value of the contracts or the framework agreements by product area which they intend to award over the following 12 months, where the total estimated value, taking into account the provisions of Articles 16 and 17, is equal to or greater than EUR 750000.</p> <p><i>[Regulation 1564/2005, Article 1] Contracting entities shall, from the date of entry into force of the respective national measures transposing Directive 2004/17/EC and from 1 February 2006 at the latest, use, for the publication in the Official Journal of the European Union of the notices referred to in Articles 41 to 44 and 63 of that Directive, the standard forms set out in Annexes IV to IX, XII and XIII to this Regulation.</i></p>	51.1.a	a) the estimated total value of the contracts/framework agreements for acquiring products within the same CPV group that are to be awarded in the following 12 months, is equal or grater than RON equivalency of EUR 750.000;
35.1.1.a.2	The product area shall be established by the contracting authorities by reference to the CPV nomenclature;	41.1.1.a.2	The product area shall be established by the contracting entities by reference to the CPV nomenclature:	na	na
35.1.1.b	(b) where services are concerned, the estimated total value of the contracts or the framework agreements in each of the	41.1.1.b	(b) where services are concerned, the estimated total value of the contracts or the framework agreements in each of the	51.1.b	b) where the estimated total value of the contracts/framework agreements for acquiring services within the same category listed in Annex 2A that are to



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	categories of services listed in Annex II A which they intend to award over the following 12 months, where such estimated total value, taking into account the provisions of <a href="#">Articles 7</a> and 9, is equal to or greater than EUR 750000;		categories of services listed in Annex XVII A which they intend to award over the following 12 months, where such estimated total value, taking into account the provisions of Articles 16 and 17, is equal to or greater than EUR 750000;		be awarded in the following 12 months, is equal or grater than RON equivalency of EUR 750.000;
35.1.1.c	(c) where works are concerned, the essential characteristics of the contracts or the framework agreements which they intend to award, the estimated value of which is equal to or greater than the threshold specified in <a href="#">Article 7</a> , taking into account Article 9.	41.1.1.c	(c) where works are concerned, the essential characteristics of the works contracts or the framework agreements which they intend to award over the following 12 months, whose estimated value is equal to or greater than the threshold specified in <a href="#">Article 16</a> , taking into account the provisions of <a href="#">Article 17</a> .	51.1.c	c) where the estimated value of the works contracts/framework agreements is to be awarded in the following 12 months and whose estimated value is equal or grater than RON equivalency of EUR 5.000.000.
na	na	na	na	51.2-3	(2) The contracting authority has the right to sent for publication an intention notice in other cases which are not provided in paragraph (1). (3) Publishing the intention notice does not create an obligation for the contracting authority to effectuate the respective public procurement
35.1.2	The notices referred to in subparagraphs (a) and (b) shall be sent to the Commission or published on the buyer profile as soon as possible after the beginning of the budgetary year.	41.1.2	The notices referred to in subparagraphs (a) and (b) shall be sent to the Commission or published on the buyer profile as soon as possible after the beginning of the budgetary year.	52.1	Article 52 (1) In the cases provided by article 51 align. (1) letters a) and b), the contracting authority has the obligation to transmit for publication the intention notice as soon as possible after the beginning of the budgetary year.
35.1.3	The notice referred to in subparagraph (c) shall be sent to	41.1.3	The notice referred to in subparagraph (c) shall be sent to	52.2	(2) In case provided by art 51 align. (1) letter c) the contracting authority

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	the Commission or published on the buyer profile as soon as possible after the decision approving the planning of the works contracts or the framework agreements that the contracting authorities intend to award.		the Commission or published on the buyer profile as soon as possible after the decision approving the planning of the works contracts or the framework agreements that the contracting entities intend to award.		has the obligation to transmit for publication the intention notice as soon as possible after the decision approving the planning of the respective works contract or framework agreement.
35.1.4	Contracting authorities who publish a prior information notice on their buyer profiles shall send the Commission, electronically, a notice of the publication of the prior information notice on a buyer profile, in accordance with the format and detailed procedures for sending notices indicated in point 3 of Annex VIII.	41.1.4	Contracting entities which publish a periodic indicative notice on their buyer profiles shall transmit to the Commission, electronically, a notice of the publication of the periodic indicative notice on a buyer profile, in accordance with the format and procedures for the electronic transmission of notices indicated in point 3 of Annex XX.	53	Article 53 The intention notice is published: a) in the Official Journal of the European Union, in ESPP and in Official Gazette of Romania, Part. VI, Public procurement; or b) only in ESPP provided that before the publication, an informative notice was sent to the European Commission. (2) In the case provided at paragraph (1) letter b), the intention notice has to contain also the date of dispatch of the informative notice to the European Commission.
35.1.5-6	Publication of the notices referred to in subparagraphs (a), (b) and (c) shall be compulsory only where the contracting authorities take the option of shortening the time limits for the receipt of tenders as laid down in Article 38(4). This paragraph shall not apply to negotiated procedures without the prior publication of a contract notice.	41.1.5-6	The publication of the notices referred to in subparagraphs (a), (b) and (c) shall be compulsory only where the contracting entities take the option of reducing the time limits for the receipt of tenders as laid down in Article 45(4). This paragraph shall not apply to procedures without prior call for competition.  <i>[Regulation 1564/2005, Article 1 on</i>	51.1.s1	Paragraph 2 The intention notice  Article 51 (1) The contracting authority has the obligation to send for publication an intention notice where take the option to benefit from the provision laid down in art. 75 paragraph (2) or in art. 89 paragraph (2) and if:

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>		<i>standard notices, see 41.1.1.a.1]</i>		
na	na	41.2	2. Contracting entities may, in particular, publish or arrange for the Commission to publish periodic indicative notices relating to major projects without repeating information previously included in a periodic indicative notice, provided that it is clearly pointed out that these notices are additional ones.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	na	na
na	na	41.3	3. Where contracting entities choose to set up a qualification system in accordance with Article 53, the system shall be the subject of a notice as referred to in Annex XIV, indicating the purpose of the qualification system and how to have access to the rules concerning its operation. Where the system is of a duration greater than three years, the notice shall be published annually. Where the system is of a shorter duration, an initial notice shall suffice.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	na	na
na	na	na	na	(Article 2-3 of GD-925/2006)	Article 3 (1) When applying the present norms, the contracting authority,

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>through the internal specialized compartment for awarding public procurement contracts, organized according to the provisions of II.2.3 of the Action Plan for implementing the Reform Strategy of the public procurement system from Annex 2 of Government Decision no. 901/2005 on the approval of the Reform Strategy of the public procurement system as well as of the Action Plan for implementing the Strategy during 2005-2007, has the following main attributions:</p> <ul style="list-style-type: none"> <li>a) to elaborate the annual public procurement programme, on the basis of necessities and priorities communicated by the other units of the contracting authority.</li> <li>b) to elaborate or coordinate the elaboration of awarding documentation or competition documents, in case of a design contests, by case, ;</li> <li>c) to carry out the obligations on publicity, as the emergency ordinance stipulates;</li> <li>d) to apply and to complete the awarding procedures;</li> <li>e) to form and keep the public procurement file.</li> </ul> <p>(2) The other compartments of the contracting authority have the obligation to support the activity of the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>public procurement unit, according to the awarding documentation specific and the complexity of the problems to be solved during the application of the awarding procedure.</p> <p>(3) The contracting authority has the right to purchase consultancy services, according to the emergency ordinance provisions, in order to elaborate the awarding documentation and/or to apply the awarding procedure.</p> <p>Article 4</p> <p>(1) The contracting authority has the obligation to establish the annual programme of the public procurement.</p> <p>(2) The annual programme of the public procurement is elaborated, as a first draft, until end of the last quarter of the year and contains all the contracts/framework agreements which the contracting authority intends to award/conclude during the next year.</p> <p>(3) The contracting authority has the obligation, to take into consideration when establishes the annual programme of public procurement the followings:</p> <ul style="list-style-type: none"> <li>a) the objective necessities for products, works and services</li> <li>b) the priority of necessities</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>established by letter a);</p> <p>c) the forecasts regarding the funds that follow to be allocated within the annual budget.</p> <p>(4) The contracting authority has the obligation to complete its annual public procurement program, in accordance with the approved funds and the possibilities to reach other funds after the approval of its budget.</p> <p>(5) The annual public procurement program must contain, at least, the following information:</p> <ul style="list-style-type: none"> <li>a) the object of the contract/framework agreement;</li> <li>b) the CPV code;</li> <li>c) the estimated value, without VAT, expressed in lei and EUR;</li> <li>d) the procedure that will be applied;</li> <li>e) the estimated date for the beginning of the procedure;</li> <li>f) the estimated date for complete the procedure;</li> <li>g) the responsible person for awarding the contract.</li> </ul> <p>(6) In the case when the contracting authority intends to initiate a dynamic purchasing system, it has the obligation to specify this intention in the annual public procurement program.</p> <p>(7) The annual public procurement program is approved by the head of</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the contracting authority, in conformity with his/her legal attributions, with approval of the financial-accounting compartment.</p> <p>(8) The contracting authority has the right to modify or to complete the annual public procurement program. These amendments have to be approved according to paragraph (7) provisions.</p> <p>(9) When the amendments stipulated by paragraph (8) have the purpose to cover necessities that were not initially included in the annual public procurement program, their inclusion in the program is conditioned by ensuring the financial sources.</p>
35.2	<p>2. Contracting authorities which wish to award a public contract or a framework agreement by open, restricted or, under the conditions laid down in Article 30, negotiated procedure with the publication of a contract notice or, under the conditions laid down in Article 29, a competitive dialogue, shall make known their intention by means of a contract notice.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	42.1	<p>Notices used as a means of calling for competition</p> <p>1. In the case of supply, works or service contracts, the call for competition may be made:</p> <p>(a) by means of a periodic indicative notice as referred to in Annex XV A; or</p> <p>(b) by means of a notice on the existence of a qualification system as referred to in Annex XIV; or</p> <p>(c) by means of a contract notice as referred to in Annex XIII A, B or C.</p> <p><i>[Regulation 1564/2005, Article 1 on</i></p>	54.a	<p>Paragraph 3 Participation notice</p> <p>Article 54 The contracting authority has the obligation to send for publication a participation notice when:</p> <p>a) it initiates an open procedure, restricted procedure, competitive dialogue or negotiation with the publication of a participation notice, in order to award a public procurement contract or to conclude a framework agreement;</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
35.3.1	<p>3. Contracting authorities which wish to set up a dynamic purchasing system shall make known their intention by means of a contract notice.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	42.2.p1	<p>2. In the case of dynamic purchasing systems, the system's call for competition shall be by contract notice as referred to in paragraph 1(c), .....</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	54.b-c	<p>b) it sets up a dynamic purchasing system;</p> <p>c) it initiates the awarding process of a public procurement contract through a dynamic purchasing system; in this case will publish a simplified notice;</p>
35.3.2	<p>Contracting authorities which wish to award a contract based on a dynamic purchasing system shall make known their intention by means of a simplified contract notice.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	42.2.2	<p>..... whereas calls for competition for contracts based on such systems shall be by simplified contract notice as referred to in Annex XIII D.</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	na	na
na	na	42.3.a-b	<p>3. When a call for competition is made by means of a periodic indicative notice, the notice shall:</p> <p>(a) refer specifically to the supplies, works or services which will be the subject of the contract to be awarded;</p> <p>(b) indicate that the contract will be awarded by restricted or negotiated procedure without further publication of a notice of a call for competition and invite interested economic operators to express their interest in writing; and</p> <p><i>[Regulation 1564/2005, Article 1 on</i></p>	na	na



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na	na	42.3.c.s1	<p><i>standard notices, see 41.1.1.a.1]</i></p> <p>(c) have been published in accordance with Annex XX not more than 12 months prior to the date on which the invitation referred to in Article 47(5) is sent.</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	na	na
na	na	42.3.c.s2	<p>Moreover, the contracting entity shall meet the time limits laid down in Article 45.</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	na	na
35.4.1	<p>4. Contracting authorities which have awarded a public contract or concluded a framework agreement shall send a notice of the results of the award procedure no later than 48 days after the award of the contract or the conclusion of the framework agreement.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	43.1.1	<p>Article 43</p> <p>Contract award notices</p> <p>1. Contracting entities which have awarded a contract or a framework agreement shall, within two months of the award of the contract or framework agreement, send a contract award notice as referred to in Annex XVI under conditions to be laid down by the Commission in accordance with the procedure referred to in Article 68(2).</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	56.1.a	<p>Paragraph 4</p> <p>Awarding notice</p> <p>Article 56</p> <p>(1) The contracting authority has the obligation to transmit for publication an awarding notice within 48 days after it:</p> <p>a) has finalized the open procedure, restricted procedure, competitive dialogue or negotiation, by awarding the public procurement contract or concluded the framework agreement;</p>
35.4.2	In the case of framework agreements concluded in accordance with Article 32 the	43.1.2	In the case of contracts awarded under a framework agreement within the meaning of Article 14(2),	na	na

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	contracting authorities are not bound to send a notice of the results of the award procedure for each contract based on that agreement.		the contracting entities shall not be bound to send a notice of the results of the award procedure for each contract based on that agreement.		
35.4.3	Contracting authorities shall send a notice of the result of the award of contracts based on a dynamic purchasing system within 48 days of the award of each contract. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 48 days of the end of each quarter.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>	43.1.3	Contracting entities shall send a contract award notice based on a dynamic purchasing system within two months after the award of each contract. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within two months of the end of each quarter.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	56.1.c	c) has awarded a public procurement contract by a dynamic purchasing system.
35.4.4	In the case of public contracts for services listed in Annex II B, the contracting authorities shall indicate in the notice whether they agree to its publication. For such services contracts the Commission shall draw up the rules for establishing statistical reports on the basis of such notices and for the publication of such reports in accordance with the procedure laid down in <a href="#">Article 77(2)</a> .  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>	43.4	4. In the case of contracts awarded for services listed in Annex XVII B, the contracting entities shall indicate in the notice whether they agree to publication.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	56.2	(2) For the services included in Annex 2B, the obligation provided in paragraph (1) shall be applied only to contracts with a value greater than the thresholds provided in art. 57 paragraph (2) let. a) or, by case, let. b). In these cases the contracting authority has to point out in the notice dispatched whether they agree to its publication.
35.4.5	Certain information on the contract	43.2	2. The information provided in	na	na

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	award or the conclusion of the framework agreement may be withheld from publication where release of such information would impede law enforcement or otherwise be contrary to the public interest, would harm the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>		accordance with Annex XVI and intended for publication shall be published in accordance with Annex XX. In this connection, the Commission shall respect any sensitive commercial aspects which the contracting entities may point out when forwarding this information, concerning the number of tenders received, the identity of economic operators, or prices.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>		
na	na	43.3	3. Where contracting entities award a research-and-development service contract ("R&D contract") by way of a procedure without a call for competition in accordance with Article 40(3)(b), they may limit to the reference "research and development services" the information to be provided in accordance with Annex XVI concerning the nature and quantity of the services provided.  Where contracting entities award an R&D contract which cannot be awarded by way of a procedure without a call for competition in accordance with Article 40(3)(b), they may, on grounds of commercial confidentiality, limit the information to be provided in	na	na

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			<p>accordance with Annex XVI concerning the nature and quantity of the services supplied.</p> <p>In such cases, contracting entities shall ensure that any information published under this paragraph is no less detailed than that contained in the notice of the call for competition published in accordance with Article 42(1).</p> <p>If they use a qualification system, contracting entities shall ensure in such cases that such information is no less detailed than the category referred to in the list of qualified service providers drawn up in accordance with Article 53(7).</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>		
na	na	43.5	5. Information provided in accordance with Annex XVI and marked as not being intended for publication shall be published only in simplified form and in accordance with Annex XX for statistical purposes.	na	na
36.1	<p>Article 36</p> <p>Form and manner of publication of notices</p> <p>1. Notices shall include the information mentioned in Annex VII A and, where appropriate, any other information deemed useful by the</p>	44.1	<p>Article 44</p> <p>Form and manner of publication of notices</p> <p>1. Notices shall include the information mentioned in Annexes XIII, XIV, XV A, XV B and XVI and, where appropriate, any other</p>	47.1-2	<p>Section 5</p> <p>Rules of publicity</p> <p>Paragraph 1</p> <p>Publication of notices</p> <p>Article 47</p> <p>(1) The contracting authority has</p>

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	<p>contracting authority in the format of standard forms adopted by the Commission in accordance with the procedure referred to in <a href="#">Article 77(2)</a>.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>		<p>information deemed useful by the contracting entity in the format of standard forms adopted by the Commission in accordance with the procedure referred to in Article 68(2).</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>		<p>the obligation to ensure the transparency of the award of the public procurement contracts and of the conclusion of the framework agreements by publishing the intention, participation and awarding notices.</p> <p>(2) In the case of contracts with an estimated value higher than the thresholds provided by art. 55 paragraph (2), the contracting authority has the obligation to include in the notices provided by paragraph (1) at least the information provided in Annex no. 3A and, where appropriate any other information deemed useful by the contracting authority, by using the standard forms adopted by the European Commission.</p>
na	na	na	na	47.3	<p>(3) The modalities for the application of paragraph (2), as well as the content of the notices in the case when, according to the present law, the contracting authority has not the obligation to send it for publication in the Official Journal of the European Union, will be laid down by Government Decision.</p>
36.2.1	<p>2. Notices sent by contracting authorities to the Commission shall be sent either by electronic means in accordance with the format and procedures for transmission indicated in Annex VIII, paragraph</p>	44.2	<p>2. Notices sent by contracting entities to the Commission shall be sent either by electronic means in accordance with the format and procedures for transmission indicated in point 3 of Annex XX, or</p>	48	<p>Article 48</p> <p>(1) With the exception provided at art. 299, the contracting authority has the obligation to transmit for publication the notices provided at art. 47 paragraph (1), only by electronic</p>

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	3, or by other means. In the event of recourse to the accelerated procedure set out in Article 38(8), notices must be sent either by telefax or by electronic means, in accordance with the format and procedures for transmission indicated in point 3 of Annex VIII.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>		by other means.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>		means, to the operator of ESPP. (2) In the cases provided by the present law, the operator of ESPP has the obligation to ensure the transmission for publication of the notices to the Official Journal of the European Union.
36.2.2	Notices shall be published in accordance with the technical characteristics for publication set out in point 1(a) and (b) of Annex VIII.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>	44.2.2	The notices referred to in Articles 41, 42 and 43 shall be published in accordance with the technical characteristics for publication set out in point 1(a) and (b) of Annex XX.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	na	na
na	na	44.3.1	3. Notices drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of Annex XX, shall be published no later than five days after they are sent.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	na	na
36.3.2	Notices which are not transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of	44.3.2.s1+s2	Notices which are not transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of	na	na

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	Annex VIII, shall be published not later than 12 days after they are sent, or in the case of accelerated procedure referred to in Article 38(8), not later than five days after they are sent.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>		Annex XX shall be published not later than 12 days after they are transmitted. However, in exceptional cases, the contract notices referred to in Article 42(1)(c) shall be published within five days in response to a request by the contracting entity, provided that the notice has been sent by fax.  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>		
36.4.1	4. Contract notices shall be published in full in an official language of the Community as chosen by the contracting authority, this original language version constituting the sole authentic text. A summary of the important elements of each notice shall be published in the other official languages.	44.4.1	4. Contract notices shall be published in full in an official language of the Community as chosen by the contracting entity, this original language version constituting the sole authentic text. A summary of the important elements of each notice shall be published in the other official languages.	na	na
36.4.2	The costs of publication of such notices by the Commission shall be borne by the Community.	44.4.2	The costs of publication of notices by the Commission shall be borne by the Community.	na	na
36.5	5. Notices and their contents may not be published at national level before the date on which they are sent to the Commission. Notices published at national level shall not contain information other than that contained in the notices dispatched to the Commission or published on a	44.5	5. Notices and their contents may not be published at national level before the date on which they are sent to the Commission. Notices published at national level shall not contain information other than that contained in the notices dispatched to the Commission or published on a	50	Article 50 (1) In the case when the provisions of this law lay down the obligation to publish the notice in the Official Journal of the European Union, then the respective notice cannot be published at national level before the date of dispatch that notice to the European Commission.

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>buyer profile in accordance with the first subparagraph of <a href="#">Article 35(1)</a>, but shall mention the date of dispatch of the notice to the Commission or its publication on the buyer profile.</p> <p>Prior information notices may not be published on a buyer profile before the dispatch to the Commission of the notice of their publication in that form; they shall mention the date of that dispatch.</p>		<p>buyer profile in accordance with the first subparagraph of Article 41(1), but shall mention the date of dispatch of the notice to the Commission or its publication on the buyer profile.</p> <p>Periodic indicative notices may not be published on a buyer profile before the dispatch to the Commission of the notice of their publication in that form; they shall mention the date of that dispatch.</p>		<p>(2) The notice published at national level shall not contain other information than the already existing information in the notice published in the Official Journal of the European Union and shall specify the sending date to the European Commission.</p>
36.6	<p>6. The content of notices not sent by electronic means in accordance with the format and procedures for transmission indicated in point 3 of Annex VIII, shall be limited to approximately 650 words.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	na	na	na	na
36.7 [36.7.1]	<p>7. Contracting authorities must be able to supply proof of the dates on which notices are dispatched.</p>	44.6	<p>6. Contracting entities shall ensure that they are able to supply proof of the dates on which notices are dispatched.</p>	49.3.a	<p>(3) In the case provided by paragraph (2) lett. a), the operator of ESPP has the obligation to:</p> <p>a) transmit the notice for publication in the Official Journal of the European Union no later than one working day from receiving the publication clearance, in the case when the present law provides for such an obligation; the ESPP operator has the obligation to ensure itself that it can prove the date when the notice was sent for publication;</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
36.8 [36.7.2]	8. The Commission shall give the contracting authority confirmation of the publication of the information sent, mentioning the date of that publication. Such confirmation shall constitute proof of publication.	44.7	7. The Commission shall give the contracting entity confirmation of the publication of the information sent, mentioning the date of that publication. Such confirmation shall constitute proof of publication.	na	na
37	Article 37 Non-mandatory publication Contracting authorities may publish in accordance with Article 36 notices of public contracts which are not subject to the publication requirement laid down in this Directive.	44.8	8. Contracting entities may publish in accordance with paragraphs 1 to 7 contract notices which are not subject to the publication requirements laid down in this Directive.	na	na
na	na	na	na	49.1-2	Article 49 (1) The operator of ESPP has the obligation to provide to the National Authority for Regulating and Monitoring Public Procurement the un-restricted access to the notices transmitted by the contracting authorities, before their publication. (2) The National Authority for Regulating and Monitoring Public Procurement shall verify each notice transmitted for publication in ESPP by the contracting authority, insofar the respective notice regards the application of the awarding procedure of a contract with an estimated value bigger than the thresholds provided by art. 124. In a period of 2 working days from the date of receiving the notice, the National Authority for

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Regulating and Monitoring Public Procurement has the obligation:</p> <p>a) either to issue to the operator of the ESPP the clearance for publication of the respective notice, in the case when after verifying it no errors/omissions are detected;</p> <p>b) or to reject the publication of the respective notice, in the case when after verifying it errors/completing omissions are detected and to inform the contracting authority on this decision and on the manner of correcting the errors/omissions;</p>
na	na	na	na	49.3.b-6	<p>b) publish the notice in ESPP no later than two working days from the date of receiving the publication clearance;</p> <p>(4) The ESPP does not have the right to publish the transmitted notice from the contracting authority or to send it for publication in Official Journal of the European Union, without the publication clearance issued by National Authority for Regulating and Monitoring Public Procurement.</p> <p>(5) In the case when, due to technical reasons, not depending of the ESPP operator's will, the transmission of the notices, in electronic format, for publication in the Official Journal of European Union, the obligation of transmitting the notices for publication belongs to the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					National Authority for Regulating and Monitoring Public Procurement. (6) After publication of the notice in ESPP, the contracting authority has the obligation to transmit the notice for publication also to the Official Gazette of Romania, Part VI - Public procurement.
na	na	na	na	(Article 16-30 of GD-925/2006)	<p>CHAPTER III Publishing the intent, contract and awarding notices</p> <p>SECTION I Rules applicable until 31 December 2006</p> <p>Article 16 (1) Until 31 December 2006, the contracting authority must send for publication the intent, contract and awarding notices, only to the "Official Journal of Romania", for publishing them in the Official Journal of Romania, part VI, Public Procurements.</p> <p>(2) Without infringement of paragraph (1), the contracting authority has the right to send for publication the intent, contract and awarding notices to:</p> <ul style="list-style-type: none"> <li>a) the Official Journal of European Union;</li> <li>b) SEAP operator, starting from 30 September 2006.</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 17 The notices stipulated in article 16, paragraph (1) must include at least the information presented in the examples from <a href="#">annex 1</a>, but not more than 650 words, as a rule.</p> <p>Article 18 (1) The notices provided by article 16, paragraph (1) are sent to the SGA “Official Journal of Romania” by a written request that must be signed by an authorized person of the contracting authority. (2) The SGA “Official Journal of Romania” must publish the notices in no more than 8 days from the moment it has registered them. In the case of the contract notice stipulated by article 114 of the emergency ordinance, the SGA “Official Journal of Romania” must publish the notice in no more than 3 days from the moment of registration.</p> <p>Article 19 (1) The contracting authority will send for publication the notices to the Official Journal of the European Union until 31 December 2006 directly through the Internet address: <a href="http://simap.europa.eu">http://simap.europa.eu</a>. (2) The notices sent for publication</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>in the Official Journal of the European Union will be drawn up by the contracting authority in one of the official languages of the European Community and must respect the standard form adopted by the European Commission available at the Internet address stipulated in paragraph (1).</p> <p>Article 20                      Sending the notices for publication to the SEAP operator is made only electronically, using the application available at the Internet address <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a>.</p> <p>Article 21                      Until the 31 of December 2006, in the case of contracts that have an estimated value higher than threshold provided by Article 55 paragraph 2 of the emergency ordinance, the period between the date of the transmission for publication in the Official Journal of Romania, Part VI, Public Procurement and the deadline for submitting the tenders, is similar with the minimum period provided by the emergency ordinance between the date of transmission for publication in the Official Journal of the European Union and/or in SEAP and the date of the submission of tenders.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>SECTION 2 Rules applicable after 31 December 2006</p> <p>Article 22 (1) After 31 December 2006, the contracting authority must send for publication the intention, contract and awarding notices, to the SEAP operator. (2) Sending the notices for publication to SEAP operator is only done electronically, using the application available at the Internet address <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a>.</p> <p>Article 23 (1) The notices for which the emergency ordinance stipulates the obligation to be published in the Official Journal of the European Union are drawn up by the contracting authority in an official language of the European Union and must observe the form adopted through EC Regulation no. 1564/2005, which establishes the standard form of advertising announcements for the awarding procedures foreseen in Directives 17/2004/EC and 18/2004/EC.</p> <p>Article 24</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(1) After transmitting the notices to the SEAP operator, The National Authority for Regulating and Monitoring Public Procurement must verify these notices, from the point of view of the observation the formal rules, in no more than 2 working days from the moment the SEAP has received them.</p> <p>(2) The National Authority for Regulating and Monitoring Public Procurement must inform the SEAP operator either if the notice is approved or rejected in the term stipulated at paragraph (1).</p> <p>Article 25 When National Authority for Regulating and Monitoring Public Procurement observes, during verification of the notice sent by the contracting authority to SEAP operator, that in the form or in the content of it there are errors or omissions, it must:</p> <ul style="list-style-type: none"> <li>a) inform the SEAP operator about the rejection of the notice;</li> <li>b) inform the contracting authority about the decision to reject the publication of the notice, justifying its decision and indicating how the errors/omission can be fixed.</li> </ul> <p>Article 26</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>The notices sent after fixing the errors/omissions are considered new notices and are the object of all the sending and verifying rules stipulated in this Section.</p> <p>Article 27</p> <p>(1) The SEAP operator does not have the right to publish the notice sent by the contracting authority or to send it for publication in the Official Journal of the European Union, until it has obtained the approval for publication given by the National Authority for Regulating and Monitoring Public Procurement.</p> <p>(2) The SEAP operator has the obligation to ensure the sending of the notices for publication in the Official Journal of the European Union, in the standard format approved by the European Commission and in no more than one working day from the date of obtaining the publication approval.</p> <p>(3) When setting the deadlines for submitting the tenders, the contracting authority must take into account the 3 working days margin, needed for verifying the notices by the National Authority for Regulating and Monitoring Public Procurement and for sending them to the Official Journal of the European Union and</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>SEAP operator, as is stipulated in article 49, paragraph (2) and (3) of the emergency ordinance.</p> <p>Article 28 The SEAP operator must publish the notice in SEAP, in no more than 2 working days from the date of receiving the approval, but not before the date of sending it for publication in the Official Journal of the European Union, if the provisions of the emergency ordinance impose this obligation.</p> <p>Article 29 In the case of notices for which the emergency ordinance does not stipulate the obligation of publishing in the Official Journal of the European Union, the contracting authority must include at least the information presented in the example form <a href="#">annex 1</a>, but, as a rule, no more than 650 words.</p> <p>Article 30 In no more than one working day after publishing the notice in SEAP, the contracting authority must also send the notice for publication to the SGA "Official Journal of Romania".</p>
38.1	Section 2 Time limits	45.1	Section 2 Time limits	71	Chapter III Awarding procedures

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>Article 38 Time limits for receipt of requests to participate and for receipt of tenders</p> <p>1. When fixing the time limits for the receipt of tenders and requests to participate, contracting authorities shall take account in particular of the complexity of the contract and the time required for drawing up tenders, without prejudice to the minimum time limits set by this Article.</p>		<p>Article 45 Time limits for the receipt of requests to participate and for the receipt of tenders</p> <p>1. When fixing the time limits for requests to participate and the receipt of tenders, contracting entities shall take particular account of the complexity of the contract and the time required for drawing up tenders, without prejudice to the minimum time limits set by this Article.</p>		<p>Section 1 Phases before initiating the awarding procedure</p> <p>Article 71 Without prejudice to the applicability of the provisions of the present law regarding the minimal periods that have to be ensured between, on the one hand, the date of transmission for publishing the participation notice or the date of transmission of participation invitations and, on the other hand, the time limit for submitting the tenders/candidatures, the contracting authority has the obligation to establish the respective period depending on the complexity of the contract and/or the specific requirements and in such a manner that the interested economic operators will benefit from a proper and sufficient period of time in order to elaborate the offers and to prepare the qualification documents required by the tender documentation.</p>
38.2	2. In the case of open procedures, the minimum time limit for the receipt of tenders shall be 52 days from the date on which the contract notice was sent.	45.2	2. In the case of open procedures, the minimum time limit for the receipt of tenders shall be 52 days from the date on which the contract notice was sent.	75.1	<p>Article 75 (1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is bigger than the value provided by art. 55 paragraph (2), the period between the</p>

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					date of transmission of the participation notice for publication in Official Journal of the European Union and the time limit for submitting the tenders has to be at least 52 days.
na	na	na	na	76	<p>Article 76</p> <p>(1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is equal or smaller than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation notice for publication in ESPP with at least 28 days before the time limit for submitting the tenders.</p> <p>(2) In the case when the contracting authority publishes in ESPP the entire tender documentation and allows, starting with the publishing date of the participation notice, the direct and unrestricted access of economic operators to this documentation, then it has the right to reduce the period provided by paragraph (1) by 5 days.</p> <p>(3) The reduction provided for by paragraph (2) is allowed only in the case when the participation notice contains specifications regarding the internet address where the tender documentation is available on-line.</p>
na	na	na	na	114	Article 114

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					(1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the procurement contract is equal or lower than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation notice for publication in ESPP with at least 12 days before the time limit for submitting the candidatures.
38.3.a	<p>3. In the case of restricted procedures, negotiated procedures with publication of a contract notice referred to in Article 30 and the competitive dialogue:</p> <p>(a) the minimum time limit for receipt of requests to participate shall be 37 days from the date on which the contract notice is sent;</p>	45.3.a	<p>3. In restricted procedures and in negotiated procedures with a prior call for competition, the following arrangements shall apply:</p> <p>(a) the time limit for the receipt of requests to participate, in response to a notice published under Article 42(1)(c), or in response to an invitation by the contracting entities under Article 47(5), shall, as a general rule, be fixed at no less than 37 days from the date on which the notice or invitation was sent and may in no case be less than 22 days if the notice is sent for publication by means other than electronic means or fax, and at no less than 15 days if the notice is transmitted by such means;</p>	83.1, 98.1 & 113.1	<p>Article 83</p> <p>1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is bigger than the value provided by art. 55 paragraph (2), the period between the date of transmission of the participation notice for publication in Official Journal of the European Union and the time limit for submitting the candidatures has to be at least 37 days.</p> <p>Article 98</p> <p>(1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is bigger than the value provided by art. 55 paragraph (1), the period between the date of transmission of the participation notice for publication in Official Journal of the European Union</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					and the time limit for submitting the candidatures has to be at least 37 days.  Article 113 (1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is greater than the value provided by art. 55 paragraph (2), the period between the date of transmission of the participation notice for publication in Official Journal of the European Union and the time limit for submitting the candidatures has to be at least 37 days.
38.3.b	(b) in the case of restricted procedures, the minimum time limit for the receipt of tenders shall be 40 days from the date on which the invitation is sent.	45.3.b-c	(b) the time limit for the receipt of tenders may be set by mutual agreement between the contracting entity and the selected candidates, provided that all candidates have the same time to prepare and submit their tenders; (c) where it is not possible to reach agreement on the time limit for the receipt of tenders, the contracting entity shall fix a time limit which shall, as a general rule, be at least 24 days and shall in no case be less than 10 days from the date of the invitation to tender.	89.1	Article 89 (1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is bigger than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation invitation with at least 40 days before the time limit for submitting the tenders.
na	na	na	na	107	Article 107 (1) The contracting authority has

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the obligation to send a request for final tenders with a sufficient number of days before the deadline for tender submitting, so that every selected candidate to benefit of a reasonable period for elaboration of the final tender.</p> <p>(2) The period for elaboration of the final tender shall not be shorter than a minimum period established by common accord with the selected candidates during the consultation phase within the second phase of the competitive dialogue.</p>
38.4	<p>4. When contracting authorities have published a prior information notice, the minimum time limit for the receipt of tenders under paragraphs 2 and 3(b) may, as a general rule, be shortened to 36 days, but under no circumstances to less than 22 days.</p> <p>The time limit shall run from the date on which the contract notice was sent in open procedures, and from the date on which the invitation to tender was sent in restricted procedures.</p> <p>The shortened time limits referred to in the first subparagraph shall be permitted, provided that the prior information notice has included all the information required for the contract notice in Annex VII</p>	45.4	<p>4. If the contracting entities have published a periodic indicative notice as referred to in Article 41(1) in accordance with Annex XX, the minimum time limit for the receipt of tenders in open procedures shall, as a general rule, not be less than 36 days, but shall in no case be less than 22 days from the date on which the notice was sent.</p> <p>These reduced time limits are permitted, provided that the periodic indicative notice has included, in addition to the information required by Annex XV A, part I, all the information required by Annex XV A, part II, insofar as the latter information is available at the time the notice is published, and that the notice has been sent for publication</p>	75.2-3 & 89.2-3	<p>[A-75]</p> <p>(2) In the case when the contracting authority has published an intention notice regarding the public procurement contract that will be awarded, then it has the right to reduce the period provided by paragraph (1) up to 36 days.</p> <p>(3) The reduction provided for by paragraph (2) is allowed in the case when the intention notice included all the information stipulated for the participation notice – to the extent to which this information is available at the time the intention notice was published - and was sent for publishing with up to 12 months and at least 52 days before the sending date for publishing of the participation notice.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	A, insofar as that information is available at the time the notice is published and that the prior information notice was sent for publication between 52 days and 12 months before the date on which the contract notice was sent.		between 52 days and 12 months before the date on which the contract notice referred to in Article 42(1)(c) is sent.		<p>[A-89]</p> <p>(2) In the case when the contracting authority has published an intention notice regarding the public procurement contract that will be awarded, this has the right to reduce the period provided for by paragraph (1) usually, by up to 36 days, but never lower than 22 days.</p> <p>(3) The reduction provided for by paragraph (2) is allowed in the case when the intention notice included all the information stipulated for the participation notice – to the extent to which this information is available at the time the intention notice was published - and was sent for publishing with up to 12 months and at least 52 days before the sending date for publishing of the participation notice.</p>
38.5	5. Where notices are drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of Annex VIII, the time limits for the receipt of tenders referred to in paragraphs 2 and 4 in open procedures, and the time limit for the receipt of the requests to participate referred to in paragraph 3(a), in restricted and negotiated procedures and the	45.5	5. Where notices are drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of Annex XX the time-limits for the receipt of requests to participate in restricted and negotiated procedures, and for receipt of tenders in open procedures, may be reduced by seven days.	75.4, 83.3.p1, 98.2 & 113.2-3.1	<p>[A-75]</p> <p>(4) In the case when the participation notice is sent for publishing in the Official Journal of European Union, in electronic form, the period provided by paragraph (1) or, if the case, by paragraph (2), can be reduced with 7 days.</p> <p>[A-83]</p> <p>(3) In the case when the participation notice is sent for</p>

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	competitive dialogue, may be shortened by seven days.				<p>publishing in the Official Journal of European Union, in electronic form, the period provided by paragraph (1) can be reduce by 7 days, .....</p> <p>[A-98]            (2) In the case when the participation notice is sent for publishing in the Official Journal of European Union, in electronic form, the period provided by paragraph (1) can be reduced with 7 days.</p> <p>[A-113]            (2) In the case when, by emergency reasons, the number of days provided for by paragraph (1) cannot be observed, the contracting authority has the right to accelerate the procedure by reducing the respective period, but to no less than 15 days.            (3) In the case when the participation notice is sent for publishing in the Official Journal of European Union, in electronic form, the period provided by paragraph (1) and (2) can be reduced with 7 days .....</p>
38.6.1	6. The time limits for receipt of tenders referred to in paragraphs 2 and 3(b) may be reduced by five days where the contracting authority offers unrestricted and full	45.6	6. Except in the case of a time limit set by mutual agreement in accordance with paragraph 3(b), time limits for the receipt of tenders in open, restricted and negotiated	75.5-6, 89.4-5 & 113.3.p2	<p>[A-75]            (5) In the case when the contracting authority publishes in ESPP all the tender documentation and allows, starting with the</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>direct access by electronic means to the contract documents and any supplementary documents from the date of publication of the notice in accordance with Annex VIII, specifying in the text of the notice the internet address at which this documentation is accessible.</p>		<p>procedures may be further reduced by five days where the contracting entity offers unrestricted and full direct access to the contract documents and any supplementary documents by electronic means from the date on which the notice used as a means of calling for competition is published, in accordance with Annex XX. The notice should specify the internet address at which this documentation is accessible.</p>		<p>publishing date of the participation notice, the direct access and without restriction of the economic operators to this documentation, then it has the right to reduce the periods of time provided for by paragraph (1), as well as those that resulted from the application of provisions of paragraph (4), with 5 days.</p> <p>(6) The reduction provided for by paragraph (5) is allowed only in the case when the participation notice points out the Internet address where the tender documentation is available on-line.</p> <p>[A-89]</p> <p>(4) In the case when the contracting authority publishes in the ESPP the entire tender documentation and authorizes, starting with the date of publishing of the participation notice the direct and non-restricted access of the economic operators to this documentation, then it has the right to reduce the periods provided for by paragraph (1) by 5 days.</p> <p>(5) The reduction provided for by paragraph (4) is allowed exclusively in the case when the participation notice contains specifications regarding the internet address where the tender documentation can be found.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					[A-113] ..... respectively 5 days.
38.6.2	This reduction may be added to that referred to in paragraph 5.	45.7-8	<p>7. In open procedures, the cumulative effect of the reductions provided for in paragraphs 4, 5 and 6 may in no case result in a time limit for the receipt of tenders of less than 15 days from the date on which the contract notice is sent.</p> <p>However, if the contract notice is not transmitted by fax or electronic means, the cumulative effect of the reductions provided for in paragraphs 4, 5 and 6 may in no case result in a time limit for receipt of tenders in an open procedure of less than 22 days from the date on which the contract notice is transmitted.</p> <p>8. The cumulative effect of the reductions provided for in paragraphs 4, 5 and 6 may in no case result in a time limit for receipt of requests to participate, in response to a notice published under Article 42(1)(c), or in response to an invitation by the contracting entities under Article 47(5), of less than 15 days from the date on which the contract notice or invitation is sent.</p> <p>In restricted and negotiated procedures, the cumulative effect of</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			the reductions provided for in paragraphs 4, 5 and 6 may in no case, except that of a time limit set by mutual agreement in accordance with paragraph 3(b), result in a time limit for the receipt of tenders of less than 10 days from the date of the invitation to tender.		
38.7	7. If, for whatever reason, the specifications and the supporting documents or additional information, although requested in good time, are not supplied within the time limits set in Articles 39 and 40, or where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the contract documents, the time limits for the receipt of tenders shall be extended so that all economic operators concerned may be aware of all the information needed to produce tenders.	45.9	9. If, for whatever reason, the contract documents and the supporting documents or additional information, although requested in good time, have not been supplied within the time limits set in Articles 46 and 47, or where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the contract documents, the time limits for the receipt of tenders shall be extended accordingly, except in the case of a time-limit set by mutual agreement in accordance with paragraph 3(b), so that all economic operators concerned may be aware of all the information needed for the preparation of a tender.	72	Article 72 The contracting authority has the obligation to prolong the period for the elaboration of tenders in the case when these cannot be elaborated without visiting the sites or after on the spot inspection of the appendix documents to the terms of references, as also in the case when the contracting authority does not have the possibility to transmit the tender documentation or the answer to the clarifications request within the time limits provided by this law, although requested in due time. In such a situation, the time limit for submitting the tenders is extended by a period of time long enough in order that any interested economic operator will dispose of reasonable time necessary for obtaining complete and relevant information for the elaboration of the tender.
38.8	8. In the case of restricted procedures and negotiated procedures with publication of a	na	na	83.2, 83.3.p2 & 89.6	[A-83] (2) In the case when, by emergency reasons, the observance

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>contract notice referred to in Article 30, where urgency renders impracticable the time limits laid down in this Article, contracting authorities may fix:</p> <p>(a) a time limit for the receipt of requests to participate which may not be less than 15 days from the date on which the contract notice was sent, or less than 10 days if the notice was sent by electronic means, in accordance with the format and procedure for sending notices indicated in point 3 of Annex VIII;</p> <p>(b) and, in the case of restricted procedures, a time limit for the receipt of tenders which shall be not less than 10 days from the date of the invitation to tender.</p>				<p>of the number of days provided for by paragraph (1) cannot be done the contracting authority has the right to accelerate the procedure by reducing the period provided for by paragraph (1), but not less than 15 days.</p> <p>[A-83.3] ..... and, if the case provided by paragraph (2), the period can be reduced with 5 days.</p> <p>[A-89] (6) In the case when, by emergency reasons, the number of days provided for by paragraph (1) and paragraph (2), as well as the one resulted following the application of the provisions of paragraph (4) cannot be observed, the contracting authority has the right to accelerate the application of the procedure by reducing the respective periods, but to no less than 12 days.</p>
na	na	na	na	84	<p>Article 84 (1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is equal or smaller than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation notice for publication in ESPP with at least 16 days before</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					the time limit for submitting the applications.
na	na	na	na	90	<p>Article 90</p> <p>(1) Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is equal or smaller than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation invitation with at least 22 days before the time limit for submitting the tenders.</p> <p>(2) In the case when the contracting authority publishes in the ESPP the whole tender documentation and authorizes the direct and unrestricted access of the economic operators to this documentation, starting with the publishing date of the participation notice, then it has the right to reduce the period provided for by paragraph (1) with another 5 days.</p> <p>(3) The reduction provided for by paragraph (2) is allowed exclusively in the case when the participation notice contains specifications regarding the internet address where the tender documentation can be found.</p> <p>(4) In the case when, by emergency reasons, the number of days provided for by paragraph (1), as well as those resulted after the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					application of paragraph (2) provisions cannot be observed, the contracting authority has the right to accelerate the application of the procedure by reducing the respective periods, but to no less than 12 days.
na	na	na	na	99	Article 99 Without prejudice to the provisions of art. 71, in the case when the estimated value of the public procurement contract is equal or smaller than the value provided by art. 55 paragraph (2), the contracting authority has the obligation to transmit the participation notice for publication in ESPP with at least 30 days before the time limit for submitting the candidatures.
na	na	45.10	10. A summary table of the time limits laid down in this Article is given in Annex XXII.	na	na
na	na	na	na	40	Article 40 (1) The contracting authority has the obligation to provide the tender documentation for every interested economic operator that requires so. (2) The contracting authority has the right to select from one of the following ways of obtaining the tender documentation by economic operators: a) ensuring, by electronic means, the direct, non-restricted and complete access to the tender

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>documentation;</p> <p>b) providing the tender documentation, on paper or magnetic support, to all economic operators who have submitted a requirement in this respect, or, by case to those who were sent an invitation for participation.</p> <p>(3) Within the provisions of paragraph (2), letter b), the contracting authority has the right to establish a price for obtaining the tender documentation with the condition that this price does not exceed the multiplication of the documentation costs, adding, if necessary, the costs of its delivery by post.</p>
na	na	na	na	115	<p>Article 115</p> <p>(1) Any economic operator has the right to request and to obtain a copy of the descriptive documentation.</p> <p>(2) In the case provided for by Article 40, paragraph (2) letter b), the contracting authority has the obligation to make the descriptive documentation available to the economic operator as soon as possible, in a period of time that shall not exceed 4 days from the receiving of a request from the economic operator.</p> <p>(3) The descriptive documentation shall contain a description of the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					needs, objectives and constrains of the contracting authority, based on which the negotiation will take place.
39.1	<p>Article 39</p> <p>Open procedures: Specifications, additional documents and information</p> <p>1. In open procedures, where contracting authorities do not offer unrestricted and full direct access by electronic means in accordance with Article 38(6) to the specifications and any supporting documents, the specifications and supplementary documents shall be sent to economic operators within six days of receipt of the request to participate, provided that the request was made in good time before the deadline for the submission of tenders.</p>	46.1	<p>Article 46</p> <p>Open procedures: specifications, additional documents and information</p> <p>1. In open procedures, where contracting entities do not offer unrestricted and full direct access by electronic means in accordance with Article 45(6) to the specifications and any supporting documents, the specifications and supporting documents shall be sent to economic operators within six days of receipt of the request, provided that the request was made in good time before the time limit for the submission of tenders.</p>	77	<p>Article 77</p> <p>(1) Any interested economic operator has the right to require and obtain the tender documentation.</p> <p>(2) In the case provided by Article 40, paragraph (2) letter b), the contracting authority has the obligation to make the tender documentation available to the economic operator as soon as possible, in a period of time that must not exceed 4 days from the date of receiving a requirement from the economic operator.</p> <p>(3) The interested economic operator has the obligation to undertake all the needed diligences so that the observance by the contracting authority of the period provided for by paragraph (2) shall not to lead to the situation in which the tender documentation should be made available in less than 2 days before the time limit for submitting the tender.</p>
39.2	<p>2. Provided that it has been requested in good time, additional information relating to the specifications and any supporting documents shall be supplied by the contracting authorities or competent</p>	46.2	<p>2. Provided that it has been requested in good time, additional information relating to the specifications shall be supplied by the contracting entities or competent departments not later</p>	78.1-2, 79 & 91	<p>Article 78</p> <p>(1) Any interested economic operator has the right to make requests for clarifications regarding the tender documentation.</p> <p>(2) The contracting authority has</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>departments not later than six days before the deadline fixed for the receipt of tenders.</p>		<p>than six days before the time limit fixed for the receipt of tenders.</p>		<p>the obligation to answer clearly, completely and without ambiguities, as soon as possible, to any request for clarifications, in a period of time that shall not exceed, as a rule, 3 working days from receiving the respective request from the economic operator.</p> <p>Article 79                      (1) Without prejudice to the provisions of art. 78 align. (2), the contracting authority has the obligation to transmit the answer to any request for clarifications with at least 6 days before the time limit for submitting the tender.                      (2) In the case when the economic operator has not transmitted the request for clarifications in due time, and by doing so, the contracting authority finds itself in the situation not to be able to respect the time limit provided by paragraph (1), the contracting authority has further the obligation to respond to the request for clarifications insofar the necessary period for the elaboration and transmission of the answer towards all the economic operators is possible before the time limit for submitting the tenders.</p> <p>Article 91</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(1) Any selected candidate has the right to require clarifications regarding the tender documentation.</p> <p>(2) The contracting authority has the obligation to answer, clearly, completely and without ambiguities, as soon as possible, to any of the required clarification in a period of time which shall not exceed, as a rule, 3 working days after receiving such a request.</p> <p>(3) The contacting authority has the obligation to send the answers to all the selected candidates, taking the necessary measures not to disclose the identity of the person that requested those clarifications.</p>
na	na	na	na	78.3	(3) The contracting authority has the obligation to send the answers to the requested clarifications to all the economic operators that obtained the tender documentation according to the provisions of this law, taking the necessary measures in order not to disclose the identity of the economic operator that made the request for clarifications.
na	na	na	na	80	<p>Article 80</p> <p>The contracting authority has the obligation to open the tenders at the time and place pointed out in the participation notice.</p>
na	na	na	na	93	<p>Article 93</p> <p>The contracting authority has the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					obligation to open the tenders at the time and place pointed out in the participation invitation.
na	na	na	na	(Article 31-40 of GD-925/2006, as amended by GD-1337/2006)	<p>CHAPTER IV Applying the awarding procedures</p> <p>SECTION 1 Open procedure</p> <p>Article 31 (1) The contracting authority must ensure the possibility for each economic operator to obtain the tender documentation, in the period between the date of publishing the notice of participation and the deadline for submitting the tenders. (2) The contracting authority must stipulate in the participation notice if the tender documentation will be obtained: a) after a request by each economic operator interested; or b) by direct and unrestricted access of an electronic file, available in SEAP. (3) In case stipulated in paragraph (2), letter a), the provisions of article 62 and 77 of the emergency ordinance will apply.</p> <p>Article 32 (1) If the contracting authority receives requests for clarifications regarding the awarding</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>documentation, it must answer them, respecting the stipulation of article 78, paragraph (2) and (3) of the emergency ordinance.</p> <p>(2) If the awarding documentation was provided to the economic operator by ensuring direct and unrestricted access to the electronic file available in SEAP, the contracting authority, in accordance with the provisions of Article 78 paragraph 2 of the emergency ordinance, must inform about the clarifications or modifications by creating a new electronic file with direct and unrestricted access, similar to the initial file.</p> <p>Article 33</p> <p>(1) The contracting authority must open the tenders at the date, hour and location stipulated in the participation notice</p> <p>(2) Any tenderer has the right to attend the opening of the tenders.</p> <p>(3) During the opening of the tenders, no tender can be rejected, except those that fall amongst one of the following situations:</p> <p>a) they were submitted after the deadline or at another address than the ones stipulated in the contract notice,</p> <p>b) they are not accompanied by the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>warranty of participation as requested in the awarding documentation.</p> <p>(4) The opening session is completed by drawing up a minute, signed by the evaluation commission members, the co-opted experts and the representatives of the economic operators, that records the way in which the session was carried out, the formal aspects observed when opening the tenders, main features of every tender.</p> <p>(5) The evaluation commission must transmit a copy of the opening minute to all economic operators that participate to procedure, regardless of whether these were present or not at the opening session.</p> <p>(6) Any decision on qualification/selection of tenderers/candidates or, if applicable, regarding the evaluation of tenders must be adopted by the evaluation commission during subsequent meetings to the opening session.</p> <p>Article 34</p> <p>(1) If the awarding documentation stipulates some minimum qualification requirements, the evaluation commission must verify the way these requests have been met by each tender.</p> <p>(2) The evaluation commission</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>must analyse and verify each tender from the point of view of the proposed technical elements, as well as from the point of view of the implied financial elements.</p> <p>(3) The technical proposal must meet the minimum requirements stipulated in the terms of reference.</p> <p>(4) The financial proposal must be lower than the limit of the funds that can be made available for the respective public procurement contract.</p> <p>Article 35 During the analysis and verification of the documents presented by the tenderers, the evaluation commission may, at any time, request clarifications or completions of the documents presented by the tenderers in order to demonstrate the fulfilment of the minimum qualification requests or to demonstrate the conformity of the tender with the requirements.</p> <p>Article 36 (1) The tender is considered being unacceptable in the following situations: a) it falls into one of the categories stipulated in article 33, paragraph (3); b) it was submitted by a tenderer</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>that does not meet the minimum requirements for qualification;</p> <p><i>b1) has been submitted by a tenderer which did not fulfil or defectively fulfilled his contractual obligations, by his fault, in last two years, which cause or can cause severe difficulties to the beneficiary. The manner of the contractual obligation fulfilment is proved by means like certificates/documents provided by art. 188, paragraph (1) letter a), paragraph (2), letter a) and paragraph (3) letter a) of the Emergency Ordinance</i></p> <p>c) it is a variant, that can not be taken into consideration because:</p> <ul style="list-style-type: none"> <li>- in the participation notice the possibility to submit variants is not stipulated explicitly, or</li> <li>- the variant does not meet the minimum requirements stipulated in the term of reference.</li> </ul> <p>d) does not respect the mandatory regulation regarding specific employment protection and working conditions, when this requirement is in accordance with the stipulation of article 34, paragraph (2) of the emergency ordinance;</p> <p>e) the price stipulated in the financial proposal, exceeds the available funds for the respective public procurement contract;</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>f) after verifications stipulated by art. 202 and 203 of the emergency ordinance, the tender has an abnormally low price as compared with what has to be supplied, made or provided.</p> <p>(2) The tender is considered irregular in any of the following situations:</p> <ul style="list-style-type: none"> <li>a. it does not met the requirements of the terms of reference;</li> <li>b. it contains proposals referring to contract clauses that are obviously disadvantageous to the contracting authority;</li> <li>c. it contains prices as part of the financial proposal that are not a result of free competition and that cannot be justified.</li> </ul> <p><i>Article 36-1</i></p> <p>(1) Accordingly with article 36, paragraph (1) letter b1), the contracting authority has the obligation to issue to contractor documents that contain information on contractual obligation fulfilment and eventual damages, as follows:</p> <ul style="list-style-type: none"> <li>a) for supply contracts: in 14 days from products acceptance that are object of the respective contract and, additional, in 14 days from guarantee deadline of the products;</li> <li>b) for services contracts, other then</li> </ul>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p><i>design contracts, in 14 days from provide completion that is object of the respective contract;</i></p> <p><i>c) for design contracts: in 14 days from provide completion that is object of the respective contract, and additional, in 14 days from completion of the note regarding the acceptance of the designed works;</i></p> <p><i>d) for works contracts: in 14 days from completion the note regarding the acceptance of executed works and, additional, in 14 days from completion the note regarding the final acceptance of the executed works at guarantee deadline.</i></p> <p><i>(2) The documents provided by paragraph (1) are completed in three copies, contracting authority having additional, the obligation provided by paragraph (1) and the following obligations:</i></p> <p><i>a) to depose a copy to public procurement file; and</i></p> <p><i>b) to send a copy to National Authority for Regulating and Monitoring Public Procurement with the purpose to monitor, in no more then 3 working days from the limit terms provided by paragraph (1).</i></p> <p><i>(3) The president of the National Authority for Regulating and Monitoring Public Procurement has the right to establish, by order,</i></p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p><i>procedures and specific tools through which any contracting authority can benefit by information included in documents available at National Authority for Regulating and monitoring of Public Procurement level, related to economic operators that participate to an awarding procedure applied by respective contracting authority.</i></p> <p><i>(4) The documents issued by a contracting authority according to paragraph (1) can be disputed in justice according to Law no. 554/2004, with amendments.</i></p> <p>Article 37</p> <p>(1) The tenders that do not fit into any of the situations provided by article 36 are considered to be admissible.</p> <p>(2) The winning tender is chosen only from the admissible tenders, and only on the basis of the awarding criterion, which is stated in the contract notice and in the awarding documentation.</p> <p>Article 38</p> <p>(1) Before establishing the winning tender, the contracting authority has the right to organise a final stage of electronic auction but only in the case it took this decision before the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>initiation of the awarding procedure and only if it announced this decision in the contract notice, and the awarding documentation contains all the provisions provided by article 164 of the emergency ordinance.</p> <p>(2) Electronic auctions are held through SEAP in the conditions regulated by methodological norms approved according to article 303 paragraph 3 of the emergency ordinance.</p> <p>(3) The contracting authority has the obligation to invite at the electronic auction stage only the tenderers that submitted admissible tenders.</p> <p>(4) When setting up the final stage of electronic auction, the final classification is established on the basis of the result obtained in the successive offering process in that stage.</p> <p>Article 39</p> <p>(1) After the completion of the evaluation of the tenders, the assessment commission has the obligation to issue according to the provisions of article 213 paragraph (2) of the emergency ordinance, a report on the awarding procedure that is forwarded to the internal compartment stipulated by art. 3 paragraph (1) and</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>to the head of the contracting authority in order to conclude the contract.</p> <p>(2) The internal compartment stipulated in article 3 paragraph (1) has the obligation to inform all tenderers on the result of the awarding procedure not later than 3 working days from the obtainment of the awarding procedure report.</p> <p>(3) The activity of the assessment commission ends after the elaboration of the awarding procedure report.</p> <p>Article 40</p> <p>(1) The open procedure can be applied by using electronic means, by SEAP, in the terms of the methodological norms adopted according to the provisions of art. 303 paragraph (3) of the emergency ordinance.</p>
40.1	<p>Section 3</p> <p>Information content and means of transmission</p> <p>Article 40</p> <p>Invitations to submit a tender, participate in the dialogue or negotiate</p> <p>1. In restricted procedures, competitive dialogue procedures and negotiated procedures with publication of a contract notice</p>	47.1.s1	<p>Article 47</p> <p>Invitations to submit a tender or to negotiate</p> <p>1. In restricted procedures and negotiated procedures, contracting entities shall simultaneously and in writing invite the selected candidates to submit their tenders or to negotiate.</p>	87.1, 103.1 & 118.1	<p>Article 87</p> <p>(1) The contracting authority has the obligation to transmit, simultaneously, a participation invitation to the second phase of the restricted procedure, to all selected candidates.</p> <p>Article 103</p> <p>(1) The contracting authority has the obligation to simultaneously send a participation invitation to the second</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	within the meaning of Article 30, contracting authorities shall simultaneously and in writing invite the selected candidates to submit their tenders or to negotiate or, in the case of a competitive dialogue, to take part in the dialogue.				phase of the competitive dialogue, to all pre-selected candidates.  Article 118 (1) The contracting authority has the obligation to transmit, simultaneously, a participation invitation to the second phase of the negotiation procedure with publication of a participation notice, to all preselected candidates.
40.2	2. The invitation to the candidates shall include either: - a copy of the specifications or of the descriptive document and any supporting documents, or - a reference to accessing the specifications and the other documents indicated in the first indent, when they are made directly available by electronic means in accordance with Article 38(6).	47.1.s2.first & second indent	The invitation to the candidates shall include either: - a copy of the specifications and any supporting documents, or - a reference to accessing the specifications and the supporting documents indicated in the first indent, when they are made directly available by electronic means in accordance with Article 45(6).	88.2-3 & 104.2-3	[A-88] (2) The contracting authority has the obligation to send the participation invitation together with a copy of the tender documentation. (3) When the tender documentation is directly accessible by electronic means in ESPP, the contracting authority has the obligation to insert in the participation invitation information regarding the way to access the respective documentation.  [A-104] (2) The contracting authority has the obligation to send a participation invitation with a copy of the tender documentation which will include the descriptive documentation. (3) In the case when the tender documentation is directly accessible by electronic means, in the ESPP, the contracting authority has the

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					obligation to include in the participation invitation the information regarding the way to access of the respective documentation.
40.3	3. Where an entity other than the contracting authority responsible for the award procedure has the specifications, the descriptive document and/or any supporting documents, the invitation shall state the address from which those specifications, that descriptive document and those documents may be requested and, if appropriate, the deadline for requesting such documents, and the sum payable for obtaining them and any payment procedures. The competent department shall send that documentation to the economic operator without delay upon receipt of a request.	47.2 + 47.4.a	2. Where the specifications and/or any supporting documents are held by an entity other than the contracting entity responsible for the award procedure, the invitation shall state the address from which those specifications and documents may be requested and, if appropriate, the closing date for requesting such documents, the sum payable for obtaining them and any payment procedures. The competent department shall send that documentation to the economic operator immediately upon receipt of the request.  4. In addition, the invitation shall include at least the following: (a) where appropriate, the time limit for requesting additional documents, as well as the amount and terms of payment of any sum to be paid for such documents;	na	na
40.4	4. The additional information on the specifications, the descriptive document or the supporting documents shall be sent by the contracting authority or the competent department not less than	47.3	3. The additional information on the specifications or the supporting documents shall be sent by the contracting entity or the competent department not less than six days before the final date fixed for the	92	Article 92 (1) Without conflicting with the provisions of art. 91 paragraph (2), the contracting authority has the obligation to send the response for any clarification, with at least 6 days

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	<p>six days before the deadline fixed for the receipt of tenders, provided that it is requested in good time. In the event of a restricted or an accelerated procedure, that period shall be four days.</p>		<p>receipt of tenders, provided that it is requested in good time.</p>		<p>from the tender submission deadline (2) In case that the economic operator has not transmitted the request for clarification in a due time, and by doing so, the contracting authority finds itself in the situation not to be able to respect the time limit provided by paragraph (1), the contracting authority has further the obligation to respond to the request for clarifications insofar the necessary period for the elaboration and transmission of the answer towards all the economic operators is possible before the time limit for submitting the tenders.</p>
40.5.1.a	<p>5. In addition, the invitation to submit a tender, to participate in the dialogue or to negotiate must contain at least: (a) a reference to the contract notice published;</p>	47.4.c	<p>(c) a reference to any published contract notice;</p>	88.1.a, 104.1.a, 108.a & 119.a	<p>Article 88 (1) The participation invitation contains at least the following information: a) references regarding the published participation notice;</p> <p>Article 104 (1) The participation invitation must contain at least the following information: a) references regarding the published participation notice;</p> <p>Article 108 The request for final tender must contain at least the following information:</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>a) references regarding the published participation notice;</p> <p>Article 119 The request for final tender must contain at least the following information:</p> <p>a) references regarding the published participation notice;</p>
40.5.1.b	(b) the deadline for the receipt of the tenders, the address to which the tenders must be sent and the language or languages in which the tenders must be drawn up;		(b) the final date for receipt of tenders, the address to which they are to be sent, and the language or languages in which they are to be drawn up;	88.1.b-c, 108.b-c & 119.b-c (amended by L337/2006, point )	<p>[A-88]</p> <p>b) the deadline established for submitting the tenders;</p> <p>c) the address where the tenders will be submitted;</p> <p>d) the language or languages for elaboration of the tender;</p> <p>[A-108]</p> <p>b) the time-limit for submitting the tenders;</p> <p>c) the address where the tenders shall be submitted;</p> <p>[A-119.b-c]</p> <p>b) <i>the address where the negotiations shall take place and the date for starting the negotiations;</i></p> <p>c) <i>the language/languages used within the negotiations;</i></p>
na	na	na	na	88.1.e & 108.3	<p>[A-88]</p> <p>e) the date of opening the offers;</p> <p>[A-108]</p> <p>e) the date for opening the tenders;</p>



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40.5.1.c	(c) in the case of competitive dialogue the date and the address set for the start of consultation and the language or languages used;	na	na	104.1.b-c & 108.d	[A-104] b) the address where the discussions will be held and date when these will start; c) the language/languages used for the discussions;  [A-108] d) the language/languages used for the consultations;
40.5.1.d	(d) a reference to any possible adjoining documents to be submitted, either in support of verifiable declarations by the tenderer in accordance with Article 44, or to supplement the information referred to in that Article, and under the conditions laid down in Articles 47 and 48;	47.4.b-d	(d) an indication of any documents to be attached;	88.1.f, 104.1.d, 108.f & 119.d	[A-88] f) if it is the case, specifications regarding the supplementary documents which the economic operators must present with the purpose of verifying the declarations or completions of the documents, submitted in the first phase in order to demonstrate the technical, economical and financial capacity.  [A-104] d) if the case, clarifications regarding the supplementary documents that must be presented by the economic operators in order to verify the declaration or in order to complete the documents, presented in the first phase for proving the technical and economic-financial capacity.  [A-108] f) if the case, clarifications

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					<p>regarding the supplementary documents that must be presented by the economic operators in order to verify the declaration or in order to complete the documents, presented in the first phase for proving the technical and economic-financial capacity.</p> <p>[A-119.d]  d) if the case, clarifications regarding the supplementary documents that must be presented by the economic operators in order to verify the declaration or in order to complete the documents, presented in the first phase for proving the technical and economic-financial capacity.</p>
na	na	47.4.e	(e) the criteria for the award of the contract, where they are not indicated in the notice on the existence of a qualification system used as a means of calling for competition;	119.e	e) detailed and complete information regarding the awarding criteria applicable for establishing the winning tender in line with the provisions of Chapter V – Section 3.
40.5.1.e	(e) the relative weighting of criteria for the award of the contract or, where appropriate, the descending order of importance for such criteria, if they are not given in the contract notice, the specifications or the descriptive document.	47.4.f	(f) the relative weighting of the contract award criteria or, where appropriate, the order of importance of such criteria, if this information is not given in the contract notice, the notice on the existence of a qualification system or the specifications.	na	na
40.5.2	However, in the case of contracts	na	na	na	na

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	awarded in accordance with the rules laid down in Article 29, the information referred to in (b) above shall not appear in the invitation to participate in the dialogue but it shall appear in the invitation to submit a tender.				
na	na	47.5.a-h	<p>5. When a call for competition is made by means of a periodic indicative notice, contracting entities shall subsequently invite all candidates to confirm their interest on the basis of detailed information on the contract concerned before beginning the selection of tenderers or participants in negotiations.</p> <p>This invitation shall include at least the following information:</p> <p>(a) nature and quantity, including all options concerning complementary contracts and, if possible, the estimated time available for exercising these options for renewable contracts, the nature and quantity and, if possible, the estimated publication dates of future notices of competition for works, supplies or services to be put out to tender;</p> <p>(b) type of procedure: restricted or negotiated;</p> <p>(c) where appropriate, the date on which the delivery of supplies or the execution of works or services</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>is to commence or terminate;</p> <p>(d) the address and closing date for the submission of requests for tender documents and the language or languages in which they are to be drawn up;</p> <p>(e) the address of the entity which is to award the contract and the information necessary for obtaining the specifications and other documents;</p> <p>(f) economic and technical conditions, financial guarantees and information required from economic operators;</p> <p>(g) the amount and payment procedures for any sum payable for obtaining tender documents;</p> <p>(h) the form of the contract which is the subject of the invitation to tender: purchase, lease, hire or hire-purchase, or any combination of these; and</p>		
na	na	47.5.i	(i) the contract award criteria and their weighting or, where appropriate, the order of importance of such criteria, if this information is not given in the indicative notice or the specifications or in the invitation to tender or to negotiate.	na	na
na	na	na	na	(Article 41-83 of GD-925/2006)	SECTION 2 Restricted procedure  Article 41

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>In the period between the date of the publication of the contract notice and the deadline for the submission of the tenders, the contracting authority has the obligation to ensure that every economic operator has the possibility to obtain more information regarding the conditions to participate in the awarding procedure.</p> <p>Article 42 After the deadline of the submission of the tenders expires, the assessing commission has the obligation to establish the selected candidates, applying in this purpose only the selection criteria stipulated in the contract notice.</p> <p>Article 43 (1) When the number of selected candidates, according to the article 85 paragraph 2 of the emergency ordinance, is below the minimum number stipulated in the contract notice, either because of the fact that an insufficient number of candidatures have been submitted or because of the fact that part of the candidates did not meet the minimum qualifying requirements, the contracting authority has the right to pass to the second stage of the awarding procedure if the number of selected</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>candidates is at least 3.</p> <p>(2) After the selection of the candidates phase is completed, the assessing commission has the obligation to draft an intermediary report of the first stage of the awarding procedure, which is forwarded in view of approval to the head of the contracting authority.</p> <p>(3) The internal compartment stipulated by article 3 paragraph (1) has the obligation to inform all candidates on the result of the setting up of the first stage of the procedure right after the approval stipulated at paragraph (2) is obtained.</p> <p>Article 44</p> <p>(1) The contracting authority has the obligation to send the invitation to participate in the second stage of the restricted procedure to all selected participants, by observing the provisions of article 87 to article 89 of the emergency ordinance.</p> <p>(2) The selected candidates do not have the right to associate in the purpose of submitting a common tender and the contracting authority does not have the right to accept such a tender.</p> <p>(3) In the second stage of the restricted procedure the provisions of article 31 to 39 are applied</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>accordingly.</p> <p>Article 45 The restricted procedure can be applied by using electronic means, by SEAP, in the terms of the methodological norms adopted according to the provisions of article 303, paragraph (3) of the emergency ordinance.</p> <p>SECTION 3 Competitive dialogue</p> <p>Article 46 Before initiating the competitive dialogue procedure, the contracting authority has the obligation to assess the correctness of applying article 94 of the emergency ordinance. The checking result becomes concrete by drawing up the justifiable note provided in article 5, which becomes part of the public procurement file.</p> <p>Article 47 (1) In the period between the date of publishing the notice for participation and the deadline of application, the contracting authority has the obligation to ensure, for every economic operator, the possibility to obtain supplementary information regarding the conditions for</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>participation to the awarding procedure.</p> <p>Article 48                      (1) When the number of admitted candidates, is below the minimum number stipulated in the contract notice, either because of the fact that an insufficient number of candidatures have been submitted or because of the fact that part of the candidates did not meet the minimum qualifying requirements, the contracting authority has the right to pass to the second stage of the awarding procedure if the number of admitted candidates is at least 3.                      (2) After the pre-selection of the candidates phase is completed, the assessing commission has the obligation to elaborate an intermediary report of the first phase of the awarding procedure, which is to be forwarded to the head of the contracting authority for approval.                      (3) The internal specialised compartment mentioned in article 3, paragraph (1) has the obligation to inform all candidates in respect to the results of applying the first phase of the granting procedure, immediately after obtaining the approval stipulated in paragraph (2).</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 49</p> <p>(1) The second phase of the competitive dialogue procedure consists in organizing separate meetings with every accepted candidate, during which a dialogue takes place with the purpose to identify the solutions/options referring to the technical aspects, the financial arrangements, juridical problems or any other elements related to the future contract. At the end of every meeting, the assessment commission has the obligation to record in writing the problems discussed and the aspects agreed upon, in a verbatim report of the meeting.</p> <p>(2) The identification of the solutions/options should be structured depending on the necessities, the objectives and constraints of the contracting authority, such as outlined in the descriptive documentation.</p> <p>(3) The contracting authority has the right to include in the descriptive documentation the possibility to grant primes to the participants in the dialogue. The primes are established within the limits of the available budget of the contracting authority and depending on the specific expenses involved in the participation to the dialogue on condition that the total amount of the primes does not</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>exceed 2% of the estimated value of the contract to be award.</p> <p>(4) The economic operator whose tender will be declared winner does not benefit from such a prime.</p> <p>Article 50</p> <p>(1) The contracting authority has the right to restart the dialogue in successive stages insofar this fact was stipulated in descriptive documentation , and the number of the participants to the dialogue is enough in order to the diminution of the participants do not affect the free competition.</p> <p>(2) According to the provisions of paragraph (1), the contracting authority has the right to organize, after clarifying with each participant a series of aspects provided for in article 49, paragraph (1) one or more intermediary stages, during which the participants in the dialogue may present partial technical and/or financial proposals.</p> <p>(3) The contracting authority has the obligation to announce all participants in the dialogue on the intermediary stage, as well as on the assessment factors in order to reduce the number of participants.</p> <p>(4) After completion of an intermediary stage for diminution of</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>participant's number in the dialogue, the assessment commission has the obligation to elaborate a report that will be forwarded to the head of the contracting authority for approval.</p> <p>(5) The internal compartment stipulated in article 3, paragraph (1) has the obligation to inform all participants in the dialogue about the result of the intermediary stage immediately after the approval mentioned in paragraph (4) is obtained .</p> <p>(6) The next round of dialogue will only take place with the participants selected during the intermediary stage organized previously.</p> <p>Article 51 When the second phase of the competitive dialogue cannot be completed by identifying a viable solution, the contracting authority has the right to cancel the awarding procedure, as it can be inferred from it that the conditions stipulated in article 209, paragraph (1), letter b) of the emergency ordinance have been fulfilled.</p> <p>Article 52 (1) During the last phase of the competitive dialogue the tenders must submit tenders on the basis of a</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>solution/s identified during the previous phase.</p> <p>(2) The provisions of article 33 and 38 to 39 should be applied accordingly.</p> <p><b>SECTION 4</b></p> <p>The negotiated procedure with prior publication of contract notice</p> <p><b>Article 53</b></p> <p>(1) The contracting authority must verify if the conditions provided by art. 110 of the emergency ordinance are met before the initiation of the negotiated procedure with prior publication of a contract notice. The verifying result becomes concrete by drawing up the explanatory note provided by article 5, which becomes part of the public procurement file.</p> <p>(2) If the contract that is to be awarded is a sectoral contract, the contracting authority does not have the obligation to verify the conditions stipulated paragraph (1), in this case being applicable the article 251 of the emergency ordinance provisions.</p> <p><b>Article 54</b></p> <p>(1) The contracting authority has the obligation to negotiate with each pre-selected candidate. At the conclusion of each meeting the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>assessing commission has to record in a meeting minutes the issues discussed and the aspects agreed.</p> <p>(2) Each participant to the negotiations has to present, according to the necessities, objectives and constraints of the contracting authorities, as they were emphasized in the descriptive documentation, a preliminary tender that will represent the starting point of the negotiations.</p> <p>Article 55 The contracting authority has the right to negotiate in successive stages, according to a similar model with the one foreseen for the competitive dialogue, insofar this possibility is specified in the descriptive documentation and the number of the participants is big enough so that diminishing the participants number would not affect the real competition.</p> <p>Article 56 (1) The negotiations develop until each participant declares that the previous tender that it presented can no longer be improved. (2) When, during the negotiations, the negotiation commission notices that no significant improvements of the previous tender as compared to</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the subsequent stages/meetings are registered, it has the right to establish a final meeting, with each tenderer. Each participant has the obligation to present the final elements of the technical and financial proposal for which the assessing factors will be applied.</p> <p>SECTION 5 The negotiation without prior publication of a contract notice</p> <p>Article 57 The contracting authority must verify if the conditions provided by art. 122 or, by case, article 252 of the emergency ordinance are met before the initiation of the negotiated procedure without prior publication of a contract notice. The verifying result becomes concrete by drawing up the explanatory note provided by article 5, which becomes part of the public procurement file.</p> <p>Article 58 The initiation of the negotiation procedure without prior publication of a contract notice is initiated by sending a participation invitation to negotiations to one or, any time is possible, to more economic operators.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 59</p> <p>(1) For the cases provided by article 122 letter f) and article 252 letter f), of the emergency ordinance, the contracting authority has the right to purchase only those categories of the fungible products that are quoted as available on the commodity market; in this case, the provisions of the article 58 are not applicable, the procedure being initiated by sending to the stock exchange the purchase order.</p> <p>(2) Considering the provision of paragraph (1), fungible products means the products generically established, that can be replace one with others when executing a contractual obligation.</p> <p>(3) The wining tender is the one that at the end of the transaction during the commodity exchange presented the lowest price for the product in question.</p> <p>Article 60</p> <p>For the cases provided by article, 122 letter g) and article 252, letter g) of the emergency ordinance, the contracting authority has the right to purchase products by participating to specific procedure organized on the economic operator that liquidates</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>completely its business , according to law.</p> <p>SECTION 6 Request for tenders</p> <p>Article 61 (1) The request for tenders is initiated by sending a participation invitation to at least 3 economic operators. (2) Starting with January 1st, 2007, the provisions of the paragraph (1) ceases its applicability, the contracting authority having the obligation to publish the participation invitation in SEAP.</p> <p>Article 62 (1) Between the date of remitting the invitation and the deadline for submitting the tenders, the contracting authority has the obligation to guarantee that any economic operator has the possibility to obtain the awarding documentation. (2) The contracting authority has the obligation to specify in the participation invitation if the awarding documentation will be obtained: a) due to a solicitation submitted by any economic operator who is interested; or</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>b) by direct and unrestrained access of a electronic file that will be available on SEAP.</p> <p>(3) In the situation provided by paragraph (2) letter a), the provisions of articles 62 and 77 of emergency ordinance will apply.</p> <p>Article 63</p> <p>(1) After remitting the invitation, the rules applicable to the request for tenders procedure are similar to the ones applicable to the open procedure, provided by articles 32 to 39.</p> <p>(2) When applying the request for tenders by electronic means, the contracting authority has the right to request successive reductions of the prices included in the financial proposal.</p> <p>Article 64</p> <p>The request for tenders procedure can be applied by using electronic means, through SEAP, under the provisions stipulated by the norms adopted, according to article 303, paragraph (3) of the emergency ordinance.</p> <p>CHAPTER V Framework agreement</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 65</p> <p>In application of the provisions of article 143 of the emergency ordinance, the contracting authority:</p> <ul style="list-style-type: none"> <li>a) does not have the right to conclude framework agreements with a duration of over four years except special cases that can be justified only by the specific object of the subsequent contracts that are assumed to be awarded according to the respective framework agreement;</li> <li>b) does not have the right to award subsequent contracts that have as object a conscription of any other nature than the ones stipulated by the framework agreement;</li> <li>c) does not have the right to conclude framework agreements which allow the awarding of subsequent contracts that are different as type or nature;</li> <li>d) does not have the right to conclude subsequent contracts with anyone except the economic operator/operators which signed the framework agreement and based only on the rules and conditions provided by the respective agreement;</li> <li>e) does not have the right to conclude subsequent contracts in the name and for another contracting authority which is not part of the</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>respective framework agreement unless it has the status of centralized acquisition unity according to the provisions of article 22 of the emergency ordinance;</p> <p>f) without infringing the provisions of paragraph 31 of the emergency ordinance, has the obligation to impose minimum qualification conditions that must refer at the most to the estimated value of the biggest subsequent contract to be awarded during the framework agreement.</p> <p>Article 66 The awarding documentation must contain, besides the elements provided in article 33, paragraph (2) of the emergency ordinance, a minimal package of specific information concerning:</p> <p>a) the number or the range number of the economic operators that are to be part of the framework agreement that is to be concluded;</p> <p>b) the option of awarding the subsequent contracts without or with resuming the competition, in case that the framework agreement would be concluded with more economic operators;</p> <p>c) the awarding criteria/ assessing factors which are to be applied for awarding the subsequent contracts</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>and any other relevant rules, in case that the awarding of the respective contracts would be completed by resuming the competition;</p> <p>d) the estimated schedule of applying the procedure and the estimated awarding schedule for the subsequent contracts;</p> <p>e) estimation of the minimum and the maximum quantities that could be required during the entire framework agreement;</p> <p>f) estimation of the minimum and the maximum quantities that could be the object of one of the subsequent contracts those are to be awarded during the framework agreement.</p> <p>Article 67</p> <p>(1) By concluding a framework-agreement, the contracting authority takes, towards the economic operator/operators that are part of the agreement in question, the following main obligations:</p> <p>a) not to initiate, during the framework-agreement, a new awarding procedure, when it intends to purchase the products/services/works that were the object of the framework-contract in question, unless the economic operator/operators that signed the agreement have not the capacity to</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>answer the requests of the contracting authority;</p> <p>b) to award contracts to the economic operator/operators that signed the agreement, any time they intend to purchase the products/services/works that belonged to the framework-agreement in question, observing the essential terms established when the contract was concluded.</p> <p>(2) The economic operator/operators that signed the framework-agreement take as main obligation to the contracting authority, to supply products/ to provide services / to execute works, as they were provided within the framework-agreement in question, any time the contracting authority requires it.</p> <p>(3) The request of the contracting authority, addressed to the economic operator to provide/supply/execute, becomes concrete by concluding a contract subsequent to the framework-agreement.</p> <p>Article 68</p> <p>(1) The framework-agreement must stipulate, for the subsequent contracts that are to be awarded, the elements/clauses considered as essential which, without limiting to the following, refer to:</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>a) the obligations that the economic operator/operators assumed by the technical proposition presented during the awarding procedure, mainly as regards the technical features – functional and performance – of the products that are to be supplied, the description of the services that are to be provided and their qualitative level, the description of the works that are to be executed and their qualitative level, delivery, supplying, providing or executing periods/terms, starting the moment when the contract was concluded, the granted warrantees, any other elements that were considered in the examination and verification of the technical propositions process;</p> <p>b) the unit price/tariff or unit prices/tariffs, other financial or trading commitments that the economic operator/operators foresaw in the financial proposition;</p> <p>c) specific terms and adjusting formulas of the prices, by case;</p> <p>d) any other elements/clauses that the contracting authority considers necessary.</p> <p>(2) When the framework agreement is concluded with several economic operators and the subsequent contracts will be awarded by restart the competition, the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>framework agreements must contain:</p> <ul style="list-style-type: none"> <li>a) the elements/ conditions that remains unchanged during the agreement period;</li> <li>b) the elements/conditions that will be the object of the competition restart.</li> </ul> <p>Article 69</p> <p>(1) When the framework-agreement is concluded with several economic operators and the subsequent contracts are to be awarded by resuming the competition, the contracting authority must, any time it decides to purchase products/services/works that make the object of the agreement in question, to send, simultaneously, a participation invitation at re-tendering to all the economic operators that signed the framework-agreement.</p> <p>(2) The invitation to re-tendering should contain at least the following:</p> <ul style="list-style-type: none"> <li>a) information regarding the quantities and specific elements that will constitute the object of the contract to be awarded:</li> <li>b) information on the elements that make the object of the re-tendering as well as the awarding criteria/ assessing factors that will be applied in order to establish the economic operator to whom the contract will be</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>given, according with the awarding documentation for conclusion of the framework agreement.</p> <p>c) information on the way in which the new tender will be submitted as well as the deadline for submitting the new tender by the economic operators.</p> <p>(3) The elements that may be the object of the re-tendering may refer to price, supply/delivery/execution terms, technical characteristics, qualitative and performance level and/or any other similar terms, insofar those terms was stipulated according to article 68, paragraph (2) letter b).</p> <p>(4) The deadline to which the economic operators have the right to submit the new tender is established by the contracting authority, which has, in this respect, the obligation to take into account aspects such as the complexity of the object of the future contract and to ensure a reasonable period of time for elaborating and sending the new tender; the contracting authority also has the right to consult the economic operators regarding the possibility to elaborate the new tenders within the shortest possible period of time.</p> <p>(5) The economic operators have the right that, in re-tendering process, to modify the elements/conditions that</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>will be object of the competition restart only by improving them and without affect the elements/conditions established as being unchanged, according with article 68, paragraph (2), letter a).</p> <p>(6) When, after the re-tendering process, the contracting authority does not obtain improvements of the initial tenders, it has the obligation to award the contract to the first qualified tenderer in the procedure applied for concluding the framework-agreement by taking into account the conditions and elements provided for in its initial tender.</p> <p>Article 70</p> <p>(1) When the economic operator to whom the contracting authority sends its request for concluding a subsequent contract does not have the capacity to respond to this request because the quantity that makes the object of the contract exceeds the estimation provided at article 66, letter f), the contracting authority has the right to initiate a new procedure to award the contract for purchasing the quantitative difference which cannot be covered by the mentioned economic operator, only when:</p> <p>a) the framework-agreement is concluded only with the mentioned</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>economic operator;                      b) although the framework agreement is concluded with other operators as well, they do not have the capacity to provide the quantitative difference either.                      (2) When the economic operator to whom the contracting authority sends a request to conclude a subsequent contract does not have the capacity to respond to this request out of its own fault, the contracting authority has the right to initiate a new awarding procedure to purchase the entire necessary quantity.                      (3) The culpable economic operator will suffer the consequences stated in the framework agreement for not fulfilling the incumbent obligations.</p> <p>CHAPTER VI                      Evaluation of tenders</p> <p>Article 71                      (1) The contracting authority has the obligation to establish, for every public procurement contract, the person/persons in charge with assessing the tenders, which will constitute in an assessing commission.                      (2) The assessing commission is nominated, as a rule, from the internal specialised compartment provided by</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>art. 3 paragraph (1).                      (3) The nomination of the responsible persons for evaluating the tenders can be made for the awarding of each contract but also for awarding more contracts if these contracts are of low complexity.</p> <p>Article 72                      (1) The person in charge with awarding the contract is at the same time the president of the assessing commission.                      (2) The functions of the assessing commission are the following:                      a) opening the tenders and, by case, of the documents that accompany the tender;                      b) verifying if the qualification requirements are met by the tenderers /candidates, when those documents have been requested through the awarding documentation;                      c) performing the selection/ pre-selection of the candidates, if the case;                      d) carrying out the dialogue with the economic operators when the competitive dialogue is applied;                      e) carrying out the negotiations with the economic operators when the negotiation is applied;                      f) verifying the technical proposals presented by the tenderers, from the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>point of view of the way in which they correspond to the minimum requirements from the terms of reference or from the descriptive documentation;</p> <p>g) verifying the financial proposals presented by the tenderers from the point of view of limiting to the funds that can be made available for fulfilling the public procurement contract, as well as for ensuring their compliance with the situation provided by article 202 of the emergency ordinance;</p> <p>h) establishing the unacceptable or irregular tenders, as well as the reasons that render these tenders unacceptable or irregular;</p> <p>i) establishing the admissible tenders;</p> <p>j) applying the awarding criteria in conformity with the conditions stipulated in the awarding documentation and establishing the winning tender/s;</p> <p>k) in cases that may be justified in accordance with article 209 of the emergency ordinance, the elaboration of cancelling proposal of the awarding procedure;</p> <p>l) elaborating the awarding procedure report, the way it is stipulated at article 213 paragraph (2) of the emergency ordinance.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(3) The contracting authority has the right to nominate reserve members for the assessing commission.</p> <p>(4) The contracting authority has the right to replace one member of the assessing commission with a reserve member, only if the person that is to be replaced cannot, out of objective reasons, fulfil the tasks that result from the quality of member of the assessing commission. After the replacement, the quality of member of the committee is taken over by the reserve member, who will exert its duties up to the completion of the awarding procedure.</p> <p>Article 73</p> <p>(1) The person responsible for the procurement has the right to make a proposal to the management of the contracting authority, regarding the inclusion within the assessment commission of experts from other departments of the contracting authority or external experts.</p> <p>(2) The proposal mentioned in paragraph (1) must state the specific attributions and responsibilities of the experts to be included in the assessment commission, and justify the necessity of their participation in the evaluation process.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(3) The functions and responsibilities of the external experts involved consist in, by case, the following:</p> <ul style="list-style-type: none"> <li>a) verifying and evaluating the technical proposals;</li> <li>b) analysing the financial situation of the tenderer/candidates or the financial analysis of the effects that certain elements of the tender or certain contract clauses included by the tenderer can determine;</li> <li>c) analysing the legal effects that certain elements of the tender or certain contract provisions included by the tenderer can determine;</li> </ul> <p>(4) The experts involved can be nominated at the same time the evaluation committee is appointed or subsequently, depending on problems that might require their expertise.</p> <p>(5) The experts involved for reasons mentioned in paragraph (3) do not have the right to vote in assessment commission, but they have the obligation to elaborate a report regarding the technical, financial and legal aspects they are giving an opinion on.</p> <p>(6) The report mentioned by paragraph (5) is bound to facilitate the decision-making process for the assessment commission in the process of analysing the tenders and</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>establishing the winning tender/tenders. The report must be attached to the awarding report and becomes part of the public procurement file.</p> <p>Article 74</p> <p>(1) During the assessment process, the commission and, accordingly, the experts involved, have the obligation of confidentiality regarding the contents of the tender and any other information submitted by the candidates/tenderers, whose revealing might impede on their right to protect their intellectual property or commercial secrets.</p> <p>(2) The infringement of the confidentiality agreements will be sanctioned according to the law, disciplinary or criminal.</p> <p>(3) With the exception of the opening session for the tenders, the meetings of the assessment commission will only be attended by its members and the experts involved, by case.</p> <p>(4) The regulations on conflict of interests, as referred to in Chapter II, Section 8 of the emergency ordinance, are equally applicable both to the assessment commission and the experts involved.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 75</p> <p>(1) The assessment commission and the experts involved have the obligation to sign a declaration of confidentiality and impartiality, hereby committing to respect the provisions of art. 74, and confirming that they do not find themselves in a situation which involves a conflict of interests.</p> <p>(2) The declaration provided in paragraph (1) must be signed before undertaking the responsibilities specific for the evaluation process.</p> <p>(3) When one of the designated members of the assessment commission or one of the experts involved finds himself in a situation of incompatibility, he has the obligation to immediately require to be replaced in the committee by a different person. The incompatibility situations can also be signalled to the contracting authority by third parties.</p> <p>(4) When such a situations are signalled, the contracting authority has the obligation to verify and, if necessary, to adopt the measures needed in order to avoid/correct any aspects that might lead to a conflict of interests.</p> <p>Article 76</p> <p>(1) The procedures of the assessment commission is</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>established by the president of the commission together with the members of the commission; in order to establish the schedule, the estimated calendar of application for the procedure and the requested period of availability for the tenders must be taken into consideration.</p> <p>(2) Any decision of the assessment commission must meet the votes of at least two thirds of its members.</p> <p>(3) In case the winning tender is established on the basis of the score, the commission members' vote is reflected in the individual score granted for each tender.</p> <p>(4) In case the provisions of paragraph (2) are not observed due to possible divergent opinions between the members of the assessment commission, the president of the commission has the obligation to require a further analysis of the disagreement points, in order to finalise in due time the stage of assessing the tenders and assigning the winning tender. In case the commission doesn't reach an agreement, the final decision will be adopted with simple majority.</p> <p>(5) The members of the assessment commission that do not approve the adopted decision, must present their point of view in written,</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>drawing up an Individual Note attached to the Awarding Procedure Report.</p> <p>Article 77                      (1) When the commission realizes that one or several candidates have omitted to submit certain documents which confirm the meeting of the requirements regarding their personal situation, the suitability to pursue the professional activity, their economical and financial standing and their technical and/or professional capacity, it will require of the tenderers/candidates to fill in the missing documents, allowing a reasonable term for this purpose, usually within the 72 hours from the moment of the request. The assessment commission will adopt all the necessary measures to ensure that the request is transmitted in due time to the tenderers/ candidates.</p> <p>(2) By exception to the provisions of paragraph (1), the assessment commission doesn't have the right to allow and to require an tenderer/candidate to submit a missing document if:</p> <p>a) the assignment documentation specifies the fact that, in case the respective document is not submitted, the subsequent submission is not</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>acceptable and that the absence of the respective document leads to the disqualification of the tenderer/ candidate, or</p> <p>b) the respective tenderer/candidate omitted to submit several documents required for the assignment documentation, such absence reflecting the lack of serious commitment to the competition,</p> <p>c) an advantage, as compared to the other tenderers/ candidates, is created by accepting the subsequent submission of the respective document, thus impeding on the principle of equal treatment.</p> <p>Article 78 The assessment commission has the obligation to establish which clarifications and completions are formal or of confirmation, necessary for the evaluation of every tender, and the period of time granted for the transmission of the clarifications. The communication sent for this purpose to the tenderer, must be clear, precise and must define explicitly and in sufficient details the contents of the commission request</p> <p>Article 79 (1) When the tenderer does not transmit the required</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>clarifications/answers within the period of time established by the assessment commission or in case the explanations submitted by the tenderer are not conclusive, the tender will be considered irregular.</p> <p>(2) When the tenderer modifies, through the answers he presents, the contents of the technical proposition, its tender will be considered irregular.</p> <p>(3) When the tenderer modifies, through the answers he presents, the contents of the financial proposition, its tender will be considered irregular, with the exception of the situation presented in Article 80, paragraph (2)</p> <p>Article 80</p> <p>(1) The assessment commission has the right to correct the arithmetic errors only with the tenderer's consent. When the tenderer does not accept the correction of these errors, the tender will be considered irregular.</p> <p>(2) The arithmetic errors shall be corrected as follows:</p> <p>a) if there is a discrepancy between the price per unit and the total price, the price per unit shall be taken into account, and the total price will be corrected accordingly;</p> <p>b) if there is a discrepancy between letters and figures, the values as</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>expressed in letters shall be taken into consideration, and the value expressed in figures shall be corrected accordingly.</p> <p>Article 81 The assessment commission has the obligation to reject the unacceptable tenders and the irregular tenders</p> <p>Article 82 (1) The assessment commission has the obligation to establish the winning tender, among the admissible tenders, according to article 200 of the emergency ordinance. (2) In case the assignment of the contract of public procurement is done based on the criterion “the most advantageous tender from the economic point of view”, the evaluation of the tenders shall be done by assigning a score, for each tender, as a result of applying the algorithm for calculation established in the awarding documentation. (3) In decreasing order of the score, the assessment commission must elaborate the ranking, which constitutes the basis of establishing the winning tender. (4) In case the assignment of the public procurement contract is done</p>

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					<p>based on the criterion: “the lowest price”, the evaluation of the tenders shall be done by comparing prices in lei, without VAT, for each tender and by elaborating a ranking in the decreasing order of the respective prices, which constitutes the basis of establishing the winning tender.</p> <p>Article 83            (1) After the evaluation of tenders is completed, the assessment commission has the obligation to elaborate the report on the awarding procedure, which shall be signed by all the members of the assessment commission, including its president.            (2) The report on the awarding procedure shall be forwarded to the head of the contracting authority for approval.</p>
41.1	<p>Article 41            Informing candidates and tenderers            1. Contracting authorities shall as soon as possible inform candidates and tenderers of decisions reached concerning the conclusion of a framework agreement, the award of the contract or admittance to a dynamic purchasing system, including the grounds for any decision not to conclude a framework agreement or award a</p>	49.1	<p>Article 49            Information to applicants for qualification, candidates and tenderers            1. Contracting entities shall as soon as possible inform the economic operators involved of decisions reached concerning the conclusion of a framework agreement, the award of the contract, or admission to a dynamic purchasing system, including the grounds for any decision not to</p>	206.1	<p>Section 5            Informing the candidates / tenderers</p> <p>Article 206            (1) The contracting authority has the obligation to inform the candidates/tenders in written form, as soon as possible but no later than 3 days about the decisions regarding the awarding of the public procurement contract, the conclusion of a framework agreement, the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	contract for which there has been a call for competition or to recommence the procedure or implement a dynamic purchasing system; that information shall be given in writing upon request to the contracting authorities.		conclude a framework agreement or award a contract for which there has been a call for competition or to recommence the procedure, or not to implement a dynamic purchasing system; this information shall be provided in writing if the contracting entities are requested to do so.		admittance into a dynamic purchasing system, or, by case, the annulment of the awarding procedure and eventual recommence of a new procedure or implementing a dynamic purchasing system.
na	na	na	na	206.2-3	(2) The communication provided for by paragraph (1) shall be sent also by fax or by electronic means. (3) In case where the contracting authority does not sent the communication also by fax or by electronic means, then the periods provided in article 205 paragraph (1) shall be increased with 3 working days.
41.2	2. On request from the party concerned, the contracting authority shall as quickly as possible inform: <ul style="list-style-type: none"> <li>- any unsuccessful candidate of the reasons for the rejection of his application,</li> <li>- any unsuccessful tenderer of the reasons for the rejection of his tender, including, for the cases referred to in Article 23, paragraphs 4 and 5, the reasons for its decision of non-equivalence or its decision that the works, supplies or services do not meet the performance or functional requirements,</li> <li>- any tenderer who has made an</li> </ul>	49.2.1-2	2. On request from the party concerned, contracting entities shall, as soon as possible, inform: <ul style="list-style-type: none"> <li>- any unsuccessful candidate of the reasons for the rejection of his application,</li> <li>- any unsuccessful tenderer of the reasons for the rejection of his tender, including, for the cases referred to in Article 34(4) and (5), the reasons for their decision of non-equivalence or their decision that the works, supplies or services do not meet the performance or functional requirements,</li> <li>- any tenderer who has made an</li> </ul>	207	Article 207 (1) Within the communication provided in article 206 paragraph (2), the contracting authority has the obligation to communicate to the winner tenderer/tenderers the acceptance of the submitted tender/tenders. (2) Within the communication provided in article 206 paragraph (2), the contracting authority has the obligation to inform the candidates/tenderers that have been rejected or those who's tender has not been declared winning on the grounds that the respective decision

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	<p>admissible tender of the characteristics and relative advantages of the tender selected as well as the name of the successful tenderer or the parties to the framework agreement.</p> <p>The time taken may in no circumstances exceed 15 days from receipt of the written request.</p>		<p>admissible tender of the characteristics and relative advantages of the tender selected, as well as the name of the successful tenderer or the parties to the framework agreement.</p> <p>The time taken to do so may under no circumstances exceed 15 days from receipt of the written enquiry.</p>		<p>is based on, as follows:</p> <p>a) for each unsuccessful candidate of the reasons for the rejection of his candidature;</p> <p>b) for each unsuccessful tenderer, the concrete reasons for the rejection of his tender, detailing the reasons on the basis of which it was considered to be unacceptable, irregular or unsuitable, particularly the reasons for taking the decision that the works, supplies or services do not meet the performance or functional requirements, provided in terms of reference;</p> <p>c) any tenderer who has made an admissible tender but which was not declared winner, the characteristics and relative advantages of the selected tender/tenders in comparison with its tender, the name of the tender to whom the contract is to be awarded or, where is the case, of the tenderers with whom it will be conclude the framework agreement.</p>
41.3	<p>3. However, contracting authorities may decide to withhold certain information referred to in paragraph 1, regarding the contract award, the conclusion of framework agreements or admittance to a dynamic purchasing system where the release of such information would impede law enforcement,</p>	49.2.3	<p>However, contracting entities may decide that certain information on the contract award or the conclusion of the framework agreement or on admission to a dynamic purchasing system, referred to in the paragraph 1, is to be withheld where release of such information would impede law</p>	208	<p>Article 208</p> <p>The contracting authority may decide to withhold certain information referred to by article 207 paragraph (2) letter c), but only in the situation where that communication:</p> <p>a) would impend law enforcement or, would otherwise be contrary to the public interest;</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice fair competition between them.		enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of a particular economic operator, public or private, including the interests of the economic operator to whom the contract has been awarded, or might prejudice fair competition between economic operators.		b) would prejudice the legitimate commercial interests of economic operators, public or private or prejudices the fair competition between them.
na	na	49.3	3. Contracting entities which establish and operate a system of qualification shall inform applicants of their decision as to qualification within a period of six months. If the decision will take longer than four months from the presentation of an application, the contracting entity shall inform the applicant, within two months of the application, of the reasons justifying the longer period and of the date by which his application will be accepted or refused.	na	na
na	na	49.4	4. Applicants whose qualification is refused shall be informed of this decision and the reasons for refusal as soon as possible and under no circumstances more than 15 days later than the date of the decision. The reasons shall be based on the criteria for qualification referred to in Article 53(2).	na	na
na	na	49.5	5. Contracting entities which	na	na

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			establish and operate a system of qualification may bring the qualification of an economic operator to an end only for reasons based on the criteria for qualification referred to in Article 53(2). Any intention to bring qualification to an end shall be notified in writing to the economic operator beforehand, at least 15 days before the date on which qualification is due to end, together with the reason or reasons justifying the proposed action.		
na	na	na	na	(Article 93-98 of GD-925/2006)	<p>CHAPTER VIII Completion of the awarding procedure</p> <p>Article 93 (1) The contracting authority has the obligation to complete the awarding procedure by concluding the public procurement contract or the framework-agreement. (2) By exception to the provisions of paragraph (1), the contracting authority has the right to complete the procedure by annulling it, but only in circumstances provided by Article 209 of the emergency ordinance.</p> <p>Article 94 (1) The compartment referred to in article 3 paragraph (1) has the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>obligation to communicate to all candidates/tenderers the result of the procedure, according to the provisions of articles 206 to 208 of the emergency ordinance.</p> <p>(2) The communication to the tenderer/tenderers declared as winners have to include the invitation to sign the contract or the framework-agreement, by case.</p> <p>(3) The date of the invitation mentioned by paragraph (2) shall not precede the deadline provided by article 205 of the emergency ordinance.</p> <p>Article 95</p> <p>(1) The following documents shall constitute a minimal part of the public procurement contract:</p> <ul style="list-style-type: none"> <li>a) technical proposal and financial proposal;</li> <li>b) contract fulfilment schedule;</li> <li>c) payment schedule;</li> <li>d) good performance guarantee, if the case.</li> </ul> <p>(2) When, during the execution of the contract, certain elements of the technical proposal are deemed inferior to or do not match the requirements in the terms of reference, the provisions of the terms of reference shall prevail.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Article 96</p> <p>(1) In the case where parts of the public procurement contract are to be carried out by one or more subcontractors, the contracting authority shall be obliged to request the signed contracts between the future contractor and the nominated subcontractors at the time when the respective public procurement contract is signed. The contracts presented shall be in accordance with the tender and shall be annexed to the public procurement contract.</p> <p>(2) During the execution of the contract, the contractor shall not be entitled to replace the subcontractors nominated in the tender without the agreement of the contracting authority and the eventual replacement of these shall not lead to the modification of the initial technical or financial proposals.</p> <p>Article 97</p> <p>(1) The price of the public procurement contract shall be firm, expressed in RON or in other currency.</p> <p>(2) By exception to the provisions of paragraph (1), the public procurement contract's price can be adjusted only if circumstances arise that prove injurious to the parties'</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>commercial interests and that, objectively, can not be foreseen at the date the contract or the framework-agreement is signed.</p> <p>(3) To the meaning of the present Decision, the following can be considered as exceptional situations and can determine an adjustment of price:</p> <ul style="list-style-type: none"> <li>a) legislative amendments or the issuance by local public authorities of administrative acts the result of which entails the rise/decrease of costs on the basis of which the contract price was substantiated;</li> <li>b) the rise/decrease in the price of the tender elements having a significant influence the costs on the basis of which the contract price was substantiated.</li> </ul> <p>(4) The exact manner in which the public procurement contract price is adjusted shall be established, if possible, before the initiation of the public procurement contract awarding procedure. The contracting authority shall specify the special information/clauses in the tender documentation, as well as in the contract. The lack of the said information/clauses determines the inapplicability of the provisions regarding the possibility of adjusting the price of the public procurement</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>contract.</p> <p>(5) The manner of adjusting the public procurement contract price shall not lead, in any way, to the alteration of the result of the awarding procedure through the annulment or decrease of the competition advantage on the basis of which the respective contractor was declared a winner following the completion of the respective procedure.</p> <p>(6) Any adjustment of price shall accurately reflect the influence exerted by the situation causing the possible adjustment. The justification consisting in a rise of resource prices shall be presented only on the basis of the evolution of relevant price indices, published by authorised institutions/organisms, such as the price indices published by the National Statistics Institute, stock exchange indices or the like.</p> <p>Article 98</p> <p>No later than 48 days since the signing of the contract, the internal compartment provided by article 3 (1) shall be obliged to submit for publication, in accordance with the provisions of article 56 of the emergency ordinance, an awarding notice for that contract.</p>
na	na	na	na	59	Section 7

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Communication and data transmission rules</p> <p>Article 59                      (1) Any communication, requirement, information, notification and any other of these provided by this law, shall be sent in written form.                      (2) Any document in written form shall be registered in the moment of sending, respectively, in the moment of receiving it.</p>
42.1	<p>Section 4                      Communication</p> <p>Article 42                      Rules applicable to communication                      1. All communication and information exchange referred to in this Title may be by post, by fax, by electronic means in accordance with paragraphs 4 and 5, by telephone in the cases and circumstances referred to in paragraph 6, or by a combination of those means, according to the choice of the contracting authority.</p>	48.1	<p>Section 3                      Communication and information</p> <p>Article 48                      Rules applicable to communication                      1. All communication and information exchange referred to in this Title may be carried out by post, by fax, by electronic means in accordance with paragraphs 4 and 5, by telephone in the cases and circumstances referred to in paragraph 6, or by a combination of those means, according to the choice of the contracting entity.</p>	60	<p>Article 60                      (1) The written documents shall be sent by any of the following means:                      a) by post;                      b) fax;                      c) electronic means;                      d) a combination of the means provided at let. a) – c).                      (2) The contracting authority has the right to impose in the tender documentation, the communication ways it intends to use during the application of the procedure.</p>
42.2	<p>2. The means of communication chosen must be generally available and thus not restrict economic operators' access to the tendering procedure.</p>	48.2	<p>2. The means of communication chosen shall be generally available and thus not restrict economic operators' access to the tendering procedure.</p>	61.1	<p>Article 61                      (1) The communication ways imposed by the contracting authority shall not restrict the access of economic operators to the awarding procedure.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
42.3	3. Communication and the exchange and storage of information shall be carried out in such a way as to ensure that the integrity of data and the confidentiality of tenders and requests to participate are preserved, and that the contracting authorities examine the content of tenders and requests to participate only after the time limit set for submitting them has expired.	48.3	3. Communication and the exchange and storage of information shall be carried out in such a way as to ensure that the integrity of data and the confidentiality of tenders and requests to participate are preserved, and that the contracting entities examine the content of tenders and requests to participate only after the time limit set for submitting them has expired.	59.3 & 172.4	[A-59] (3) The communication, sending and stocking of the information is accomplished in order to ensure the integrity and confidentiality of respective data.  [A-172] (4) The content of the tenders shall remain confidential till the date of their opening; and the contracting authority shall ascertain the content of tenders only after the expiry of the time limit for their submission.
42.4	4. The tools to be used for communicating by electronic means, as well as their technical characteristics, must be non-discriminatory, generally available and interoperable with the information and communication technology products in general use.	48.4	4. The tools to be used for communicating by electronic means, as well as their technical characteristics, shall be non-discriminatory, generally available and interoperable with the information and communication technology products in general use.	61.2	(2) The instruments used for electronic communication, as well as their technical characteristics, must be non-discriminatory, generally available to any economic operator and interoperable with information and communication technologies products in general use.
42.5.a.s1	5. The following rules are applicable to devices for the electronic transmission and receipt of tenders and to devices for the electronic receipt of requests to participate: (a) information regarding the specifications necessary for the electronic submission of tenders and requests to participate, including encryption, shall be available to interested parties.	48.5.a.s1	5. The following rules are applicable to devices for the electronic transmission and receipt of tenders and to devices for the electronic receipt of requests to participate: (a) information regarding the specifications necessary for the electronic submission of tenders and requests to participate, including encryption, shall be available to interested parties.	64.a	Article 64 The contracting authority has the right to establish that the requirements to participate and/or the tenders, shall be transmitted by electronic means, only if the following requirements are fulfilled: a) the information regarding the specific possibilities for electronic transmission, including encryption, are available for any interested economic operator;



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
42.5.a.s2	Moreover, the devices for the electronic receipt of tenders and requests to participate shall conform to the requirements of Annex X;	48.5.a.s2	Moreover, the devices for the electronic receipt of tenders and requests to participate shall conform to the requirements of Annex XXIV;	64.b	b) the electronic devices for reception guarantee in a corresponding way the integrity and confidentiality of the received data;
42.5.b	(b) Member States may, in compliance with Article 5 of Directive 1999/93/EC, require that electronic tenders be accompanied by an advanced electronic signature in conformity with paragraph 1 thereof;	48.5.b	(b) Member States may, in compliance with Article 5 of Directive 1999/93/EC, require that electronic tenders be accompanied by an advanced electronic signature in conformity with paragraph 1 thereof;	61.3	(3) In case the documents are delivered by electronic means, the legal provisions regarding the electronic signature are applicable.
42.5.c	(c) Member States may introduce or maintain voluntary accreditation schemes aiming at enhanced levels of certification service provision for these devices;	48.5.c	(c) Member States may introduce or maintain voluntary accreditation schemes aiming at enhanced levels of certification service provision for these devices;	na	na
42.5.d	(d) tenderers or candidates shall undertake to submit, before expiry of the time limit laid down for submission of tenders or requests to participate, the documents, certificates and declarations referred to in Articles 45 to 50 and Article 52 if they do not exist in electronic format.	48.5.d	(d) tenderers or candidates shall undertake to submit, before expiry of the time limit laid down for the submission of tenders or requests to participate, the documents, certificates and declarations mentioned in Articles 52(2), 52(3), 53 and 54 if they do not exist in electronic format.	64.c	c) the economic operators shall submit before the time limit for submitting documents, certificates, declarations and other, required according to Chapter V, section 2, in case these are not available in electronic format.
42.6.a-b	6. The following rules shall apply to the transmission of requests to participate: (a) requests to participate in procedures for the award of public contracts may be made in writing or by telephone; (b) where requests to participate	48.6.a-b	6. The following rules shall apply to the transmission of requests to participate: (a) requests to participate in procedures for the award of contracts may be made in writing or by telephone; (b) where requests to participate	62.1	Article 62 (1) The economic operator has the right to transmit a request to participate in the awarding procedure by any of the modalities provided by art. 60 align (1) or by phone; in this latter case the economic operator has the obligation to confirm the request

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	are made by telephone, a written confirmation must be sent before expiry of the time limit set for their receipt;		are made by telephone, a written confirmation must be sent before expiry of the time limit set for their receipt;		to participate in writing, as soon as possible.
42.6.c	(c) contracting authorities may require that requests for participation made by fax must be confirmed by post or by electronic means, where this is necessary for the purposes of legal proof. Any such requirement, together with the time limit for sending confirmation by post or electronic means, must be stated by the contracting authority in the contract notice.	48.6.c	(c) contracting entities may require that requests for participation made by fax should be confirmed by post or by electronic means, where this is necessary for the purposes of legal proof. Any such requirement, together with the time limit for sending confirmation by post or electronic means, should be stated by the contracting entity in the notice used as a means of calling for competition or in the invitation referred to in Article 47(5).	62.2	(2) The contracting authority has the right to impose that any requirement for participation to the awarding procedure, which has been delivered by fax, has to be confirmed, in a reasonable term, by letter delivered by post or other electronic means. In this case, the contracting authority has the obligation to specify the respective requirement and also the completion dead-line in the participation notice.
na	na	na	na	63	Article 63 (1)The economic operator has the right to transmit its tender only by post, or, if the contracting authority provides for this possibility, by electronic means. (2) In case the contracting authority establishes that the tenders are to be delivered by post, the tenderer has implicitly the right to directly deliver the tender at contracting authority headquarters or to another address indicated by contracting authority.
na	na	na	na	21 (amended by L337/2006,	Article 21 (1) <i>The contracting authority has the right also to apply the awarding procedures provided within art. 18 by</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
				point 17)	<p><i>using electronic means.</i></p> <p>(2) The application of the awarding procedures by using electronic means is carried out by using the ESPP.</p> <p>(3) The Government has the right to establish, by government decision, the obligation of some contracting authorities to apply the awarding procedures by using only electronic means.</p>
na	na	na	na	(Article 1-47 and 52-74 of the Annex to GD-1660/2006)	<p>Annex</p> <p>Norms for the enforcement of the provisions referring to the award of the public procurement contracts by electronic means</p> <p>CHAPTER I</p> <p>General provisions</p> <p>Art. 1</p> <p>(1) In the enforcement of the provisions of art. 21 paragraph (1) in Government Emergency Ordinance NO. 34/2006, hereinafter referred to as the emergency ordinance, the electronic system of public procurement, hereinafter referred to the SEAP, shall make available to the contracting authorities technical facilities for:</p> <p>a) enforcement, entirely by electronic means, of the open procedure, restricted procedure and tender request procedure;</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>b) enforcement, in part by electronic means, of the procedures for the awarding of the public procurement contract provided in art. 18 in the emergency ordinance.</p> <p>(2) SEAP makes available to the contracting authorities technical facilities for the use of electronic auctions, such as this special method of awarding of the public procurement contract is provided in art. 161-169 in the emergency ordinance.</p> <p>(3) SEAP makes available to the contracting authorities the technical possibility to procure directly, by means of an electronic catalogue, products, services or works, the procurement of which falls under the incidence of the provisions of art. 19 in the emergency ordinance.</p> <p>Art. 2 The sending for publication in the SEAP of the intention notices, participation notices and award notices, such as these are provided in art. 47 in the emergency ordinance can be made only by filling in the specific forms available in IT system and only by the contracting authorities registered with the SEAP.</p> <p>CHAPTER II Registration and renewal of</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>registration in the SEAP Section 1 General provisions</p> <p>Art. 3 Any contracting authority, as well as any economic operator, is bound to apply for the registration and renewal of the registration with the SEAP respectively, under the observation of the terms and procedures regulated under these norms.</p> <p>Art. 4 (1) The registration and renewal of registration with the SEAP shall be performed under the observation of the electronic procedure implemented by the SEAP operator. (2) The electronic procedure for the registration and renewal of registration, both for contracting authorities, and for economic operators, shall be published in the SEAP, within 5 working days as from the date of coming into effect of these norms in the Official Gazette of Romania, Part I.</p> <p>Art. 5 The contracting authorities and economic operators, which apply for registration or renewal of registration</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>with the SEAP, shall be liable for the accuracy of the data and information conveyed within the registration procedure and/or renewal of registration and shall be bound to convey the SEAP operator any amendment which has arrived about such data and information within no more than 3 working days as from the occurrence of the respective variations.</p> <p>Section 2 Conditions and procedure of registration with the SEAP</p> <p>Art. 6 (1) The procedure of registration with the SEAP of the contracting authorities contains the following stages:</p> <ul style="list-style-type: none"> <li>a) on-line completion of the registration form available in the SEAP;</li> <li>b) sending of an application for registration addressed to the SEAP operator, signed by the legal representative of the contracting authority or by the person expressly authorized to represent the authority in relations to third parties, event in which a certified copy of the authorization document shall be sent;</li> <li>c) sending by the SEAP operator,</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>by electronic means, of the digital certificate of registration and of the instructions for the usage thereof, after the finalization of the stages provided at letter a) and b).</p> <p>(2) The procedure of registration with the SEAP of economic operators contains the following stages:</p> <p>a) on-line completion of the registration form available in the SEAP;</p> <p>b) sending of an application for registration to the SEAP operator, signed by the legal representative of the economic operator or by the person expressly authorized to represent the authority in relations to third parties, event in which a certified copy of the authorization document shall be sent;</p> <p>c) sending of evidencing documents to prove the form of registration as authorized natural person or legal person and, if applicable, of certification or professional membership;</p> <p>d) sending by electronic means by the SEAP operator of the digital certificate of registration and of the instructions to employ thereof, after the finalization of the stages provided in letter a), b) and c).</p> <p>(3) Branches, agencies and any other secondary headquarters without</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>legal personality of an economic operator cannot be registered within SEAP.</p> <p>(4) Documents provided in paragraph (2) letter c) must be compliant with the legal provisions in the country where the economic operator is established.</p> <p>Art. 7 By completion of the application form, the contracting authority and economic operator undertake a confidentiality and current information protection agreement within the SEAP, including of information which provide access to this system.</p> <p>Art. 8 (1) The application for registration provided in art. 6 paragraph (1) letter b) and paragraph (2) letter b) must be filled in by using the form available within the SEAP and shall be sent in electronic form, signed by the extended electronic signature of the applicant, based on a qualified certificate, issued by an attested certification service supplier. (2) Within 5 days, the SEAP operator shall send the applicant a confirmation of receipt in electronic form, signed by the electronic signature of the SEAP operator.</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(3) In case where the application cannot be sent in terms provided in paragraph (1), this can be submitted to the headquarters of the SEAP operator or can be sent by mail, under confirmed receipt. The application thus conveyed shall be registered with the registrar's office of the SEAP operator.</p> <p>Art. 9</p> <p>(1) The SEAP operator is bound to make available to the contracting authority and/or to the economic operator, by electronic means, the digital registration certificate and the instructions for the employment thereof, within no more than 2 working days as from the receipt date of the application for registration in terms of the accurate and complete filling in of the registration form.</p> <p>(2) In case where the information or, as applicable, the documents, requested according to the provisions of art. 6 paragraph (1) and (2), are inaccurate and/or incomplete, the SEAP operator shall be bound to request the contracting authority and/or the economic operator there remedy thereof. The digital certificate of registration and the instructions for employment shall be sent within the period provided in paragraph (1),</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>commencing from the date of receipt of accurate and complete information and documents.</p> <p>Section 3 Conditions and procedure of renewal of the registration in the SEAP</p> <p>Art. 10 (1) The digital certificate of registration with the SEAP is valid for a period of 2 years as from the date of release thereof, both in case of the contracting authority, and in that of the economic operators. (2) The certificate of registration in the SEAP shall be renewed every 2 years, observing the electronic procedure set forth by the SEAP operator. (3) In case where, for technical reasons, prior to the expiration of the validity period, the certificate of registration with the SEAP cannot be further used, this is to be renewed under the observation of the renewal procedure. (4) In the event provided in paragraph (3), the SEAP operator shall be bound to inform in due time all the users of this system, both contracting authorities and economic operators, regarding the date until the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>certificate must be renewed.</p> <p>Art. 11                      The procedure of renewal of registration with the SEAP, both of the contracting authorities and of the economic operators, contains the following stages:</p> <ul style="list-style-type: none"> <li>a) sending an application for renewal of the registration addressed to the SEAP operator, signed by the legal representative of the contracting authority and/or of the economic operator or by the person expressly authorized for representation in relations to third parties, event in which a copy of the authorization document shall be sent;</li> <li>b) sending by electronic means by the SEAP operator of the digital certificate of renewal of registration and instructions to use thereof, after the finalization of the first stage.</li> </ul> <p>Art. 12                      (1) The application for renewal of the registration provided in art. 11 letter a) must contain explicit mentions regarding the possible variations of data and information existing in the SEAP referring to the respective applicant, as well as the acceptance of the renewal of the validity of the confidentiality and</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>information protection agreement undertaken on the occasion of registration with the SEAP.</p> <p>(2) Provisions of art. 8 and 9 shall be duly implemented for the procedure of renewal of registration as well.</p> <p>CHAPTER III Enforcement of the awarding procedures by use of electronic means Section 2 Open tender procedure</p> <p>Art. 13 The open tender procedure by electronic means is initiated by filling in the specific form provided in art. 2.</p> <p>Art. 14 (1) In case where the contracting authority decides to use the option provided in art. 40 paragraph (2) letter a) in the emergency ordinance, then this shall also send for publication in the SEAP the tender documentation, in form of an electronic file. (2) The SEAP operator shall be bound to provide to any economic operator registered with the SEAP the free and unrestricted access to the electronic file containing the tender documentation.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 15</p> <p>(1) After the date of publication of the participation notice, to continue the implementation of the open procedure by electronic means, the contracting authority is bound to insert in the SEAP the information automatically requested by the system for generation of the procedure.</p> <p>(2) In case where the contracting authority requests the fulfilment by the candidates of some qualification criteria, this shall be bound to insert in the SEAP information referring to the form and conditions in which the fulfilment of those criteria is demonstrated by the economic operators, as well as the term in which it estimates to finalize the verification of the fulfilment of the qualification criteria.</p> <p>(3) The contracting authority shall not be entitled to request the amendment and the SEAP operator shall not be entitled to vary the information of the kind to impair the operation of the system, of those provided in paragraph (1), such as, without limitation to the following:</p> <ul style="list-style-type: none"> <li>a) the qualification and selection criteria;</li> <li>b) the award criteria and, as</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>applicable, the factors of assessment and/or the calculation algorithm;</p> <p>c) the amount of products, services or dimension of the works;</p> <p>d) the CVP code;</p> <p>(4) In the event where errors or omissions regarding the information provided in paragraph (3) are established, the contracting authority shall be bound to order the cancellation of the awarding procedure considering, implicitly, that the conditions provided in art. 209 paragraph (1) letter d) in the emergency ordinance are fulfilled.</p> <p>Art. 16 Any economic operator registered with the SEAP is entitled to send a bid.</p> <p>Art. 17 (1) The economic operator is entitled to send the bid only in electronic format and until the bid submission deadline provided in the participation notice. (2) Both the items of the technical proposal specific to products, services or procedure works and the items of the financial proposal are sent to the SEAP by the economic operator. (3) In case where, for purpose of verification of conformity of the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>technical proposal with the requirements contained in the specifications book or for the purpose of verification of the financial proposal, the contracting authority requests the presentation of certain documents, these must be sent to the SEAP, in electronic format, signed by electronic signature.</p> <p>(4) In case where, for technical reason, it is not possible to send certain documents in electronic format by means of the SEAP, the respective documents shall be sent to the contracting authority in the form and by using the method of communication requested by that, under the observation of the provisions of the emergency ordinance regarding the communication and data transmission rules.</p> <p>Art. 18 The evidence of establishment of the participation guarantee, in case where this is requested, shall be completed similarly to the provisions of art. 17 paragraph (3) and (4) referring to the sending of documents in electronic format.</p> <p>Art. 19 (1) In case where, under the tender</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>documentation, it was requested that certain qualification criteria should be fulfilled, the economic operators shall insert in the SEAP, together with the bid, also the information necessary to demonstrate the fulfilment of the qualification criteria, in terms requested by the contracting authority.</p> <p>(2) In the event where, to demonstrate the fulfilment of certain qualification criteria, the contracting authority has requested the submission of some documents, the provisions of art. 17 paragraph (3) and (4) shall be applied accordingly.</p> <p>(3) The contracting authority is entitled to request the submission of samples of the products that are to be supplied during the fulfilment of the future contract, case in which it must specify, in the contents of the tender documentation, the method of presentation thereof.</p> <p>Art. 20</p> <p>(1) Verification of the manner of fulfilment of the qualification criteria by each tenderer separately and the responsibility of the outcome of this verification shall be incumbent upon the evaluation committee established within the contracting authority.</p> <p>(2) In the event where it is</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>established that the deadline provided in art. 15 paragraph (2) is not observed, the contracting authority shall be bound to insert in the SEAP information regarding the extension of this deadline.</p> <p>Art. 21                      (1) The evaluation committee is bound to review and verify the technical proposals submitted by tenderers.                      (2) After the finalization of verifications provided in paragraph (1) and part. 20 paragraph (1), the evaluation committee shall insert in the SEAP, using the technical facilities accessible under this system, the name of the tenderers the bids of which are admissible as well as of the tenderers the bids of which have been considered unacceptable or irregular.                      (3) In case where the criterion to award the public procurement contract is "the most advantageous tender from economic point of view", the evaluation committee shall also insert in the SEAP the score obtained by each admissible bid, by application of the technical evaluation factors provided in the tender documentation.</p> <p>Art. 22                      (1) The financial proposals sent to</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>tenderers in the SEAP are not accessible to the contracting authority until the time of finalization of verifications provided in art. 20 and 21.</p> <p>(2) After the sending to the SEAP of the information provided in art. 21 paragraph (2) and, as applicable, of the information provided in art. 21 paragraph (3), the system enables the automatic access of the contracting authority to information regarding:</p> <ul style="list-style-type: none"> <li>a) the financial proposals of the tenderers the bids of which have been considered admissible;</li> <li>b) the top of tenderers the bids of which have been considered admissible.</li> </ul> <p>Art. 23</p> <p>(1) In case where the criterion to award the public procurement contract is "the lowest price", the top is made by ordering the prices provided in the financial proposals from the lowest to the highest.</p> <p>(2) In case where the criterion to award the public procurement contract is "the most advantageous tender from economic point of view", the top is completed by ordering the obtained scores from the highest to the lowest.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 24 After visualizing the information provided in art. 22 paragraph (2), the responsibility of establishing the successful bid shall be incumbent upon the contracting authority.</p> <p>Art. 25 (1) The contracting authority shall be bound to send in the SEAP the outcome of the awarding procedure, within no more than 10 working days as from the date when the system enables access of the contracting authority to the information provided in art. 22 paragraph (2). (2) Based on the information inserted in the SEAP by the contracting authority, the system shall automatically generate to all the tenderers participating in the open procedure by electronic means, notifications regarding the outcome of the procedure.</p> <p>(3) The contracting authority shall be bound to also make the communications provided in Chapter V, Section 5, in the emergency ordinance.</p> <p>Art. 26 After concluding the public procurement contract the contracting</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>authority is bound to send an award notice, for publication in the SEAP, under the observation of the provisions of art. 56 in the emergency ordinance.</p> <p>Section 2 Restricted procedure</p> <p>Art. 27 (1) The restricted procedure by electronic means is initiated by filling in the specific form provided in art. 2.</p> <p>Art. 28 (1) After the date of publication of the participation notice, to continue the application of the restricted procedure by electronic means, the contracting authority shall be bound to insert in the SEAP the information requested automatically by the system to generate the procedure.</p> <p>Art. 29 The contracting authority is bound to insert in the SEAP information regarding to the form and conditions in which the economic operators demonstrate the fulfilment of the selection criteria, as well as the term in which the contracting authority estimates to finalize the verification of the fulfilment of the respective criteria.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 30</p> <p>(1) Any economic operator registered in the SEAP is entitled to submit its candidature for the first stage of the restricted procedure by electronic means.</p> <p>(2) Candidates insert in the SEAP the information regarding the fulfilment of the selection criteria, in terms requested by the contracting authority.</p> <p>(3) In the event where, to demonstrate the fulfilment of certain selection criteria, the contracting authority requested the submission of some documents, these must be sent in the SEAP, in electronic format, signed by electronic signature.</p> <p>(4) In case where, for technical reasons, it is not possible to send certain documents in electronic format by means of the SEAP, the respective documents shall be sent to the contracting authority in the form and using the method of communication requested by this, under the observation of the provisions of the emergency ordinance regarding the data communication and transmission guidelines.</p> <p>(5) The contracting authority is entitled to request the presentation of samples of the products that are to be</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>supplied during the fulfilment of the future contract, case in which it must specify in the tender documentation the method of presentation thereof.</p> <p>Art. 31                      (1) The verification of the method of fulfilment of the qualification and selection criteria by each tenderer separately and the responsibility of the outcome of this verification shall be incumbent upon the evaluation committee established within the contracting authority.                      (2) In the event where it establishes that the observation of the deadline provided in art. 29 is not possible, the contracting authority is bound to insert in the SEAP information regarding the extension of this deadline.</p> <p>Art. 32                      (1) Following the verification of the manner of fulfilment of the selection criteria, the evaluation committee shall insert in the SEAP, using the technical facilities accessible under this system, the designation/name of the candidates selected and non-selected, as well as the score obtained by each candidate by implementation of the selection criteria provided in the tender documentation.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(2) Based on the information inserted according to paragraph (1), the outcome of the selection stage is set forth automatically within the SEAP by using the technical facilities available within this system.</p> <p>(3) The system shall automatically generate to all the candidates participating in the restricted procedure by electronic means, notifications regarding the outcome of the selection stage.</p> <p>(4) The contracting authority shall be bound to also make the communications provided in Chapter V, Section 5, in the emergency ordinance.</p> <p>Art. 33 The system allows only to candidates selected in the previous stage to submit bids within the second stage of the restricted tender procedure by electronic means.</p> <p>Art. 34 Provisions of art. 14, art. 17 – 18 and art. 21 – 26 shall be duly applied in the second stage of the restricted tender procedure by electronic means.</p> <p>Section 3 Tender request</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 35 The tender request by electronic means is initiated by sending, by the contracting authority, of an invitation for participation in the awarding procedure, which shall be published in the SEAP.</p> <p>Art. 36 After sending the invitation for participation, the rules applicable to the procedure of tender request by electronic means are similar to those provided in art. 14 – 25, for the enforcement of the open procedure.</p> <p>Art. 37 Within 48 days as from the date of sending to the contracting authority of the top regarding the outcome of the tender request procedure by electronic means, the contracting authority is bound to send for publication in the SEAP of information referring to the identity of the successful tenderer, related to the products/services/works that represent the object of the public procurement contract and prices or range of prices that are to be paid.</p> <p>CHAPTER IV Electronic auction</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 38                      (1) In case where the electronic auction represents the final stage of an awarding procedure which has been enforced by the entire use of electronic means, this can be initiated by the contracting authority only after the sending by the SEAP of the information provided in art. 22 paragraph (2).                      (2) In case where the electronic auction represents the final stage of an awarding procedure which was enforced by using partially the electronic means or at the resuming of the competition among the economic operators which signed a framework agreement, this can be initiated only after the inserting by the contracting authority, in the SEAP, of the information automatically requested by the system.</p> <p>Art. 39                      The electronic auction can be organized only insofar as the technical facilities available in the SEAP enable the implementation of the algorithm of calculation set forth by the contracting authority.</p> <p>Art. 40                      The contracting authority is bound</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>to insert in the SEAP information regarding the number of rounds of the electronic auction which it organizes, the schedule of conducting thereof, as well as the items of the tender that is to represent the object of the repetitive process of tendering.</p> <p>Art. 41                      (1) The duration of an electronic auction round is set forth in days and it is of minimum one day, and there should be, between rounds, intervals set forth in days the minimum duration of which is one day.                      (2) If, throughout an electronic auction round, there are no further prices and/or new values of the items representing the object of the repetitive project of tendering inserted, the contracting authority is entitled to decide upon the finalization of the electronic auction without organizing the next rounds, but only if this is specified within the information provided in art. 40.</p> <p>Art. 42                      It is only the economic operators registered in the SEAP according to art. 6 paragraph (2) and that have been sent invitation for participation in this stage by the contracting authority are entitled to participate in the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>electronic auction, according to the provisions of art. 165 paragraph (2) in the emergency ordinance.</p> <p>Art. 43</p> <p>(1) Any time throughout the conducting of the electronic auctions, the system shall make available to the participants in the tendering repetitive process the information necessary thereto to determine the position they hold in the top.</p> <p>(2) The system makes available to the participants in the tendering repetitive process information referring to new prices or values presented in the electronic auction, as well as the number of the participants in the respective electronic auction in the event where the contracting authority has provided at the initiation of this stage the possibility of communication of such information.</p> <p>(3) Throughout the electronic auctions, the system shall not disclose the identity of the participating tenderers.</p> <p>(4) The tenders submitted within the electronic auction by the participating tenderers cannot but improve the tenders submitted prior to the organization of such stage.</p> <p>Art. 44</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(1) At the time of finalization of the electronic auction, the system will make available to the contracting authority the top resulted following the conducting of this stage determined by taking into consideration the final tenders submitted by the participating tenderers and based upon the awarding criterion set forth according to the provisions of Chapter V, Section 3, in the emergency ordinance.</p> <p>(2) In case where a tenderer fails to change, within the electronic auction stage, the items of the tender which represent the object of the repetitive processes, it is the tender submitted by that prior to the conducting of this stage, inserted previously in the SEAP by the contracting authority that shall be taken into consideration at the establishment of the final top.</p> <p>CHAPTER V Electronic catalogue</p> <p>Art. 45 (1) Economic operators registered within the SEAP have the possibility to publish a catalogue containing the products, services or works they tender, with a role of optional working instrument for the implementation of the provisions of art. 19 in the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>emergency ordinance.</p> <p>(2) In case where they publish such a catalogue, economic operators are bound to mention details regarding the products, services or works they tender, including the price, so that the contracting authority should have sufficient information to make a fair and unbiased choice.</p> <p>Art. 46</p> <p>(1) The contracting authority, accessing the catalogues published in the SEAP, is entitled to choose of the products, services or works presented in these catalogues and to send for such purpose, by means of the SEAP, notifications to the economic operators which offer them.</p> <p>(2) Notifications provided in paragraph (1) must contain information referring to:</p> <ul style="list-style-type: none"> <li>a) requested products, services or works identification data;</li> <li>b) requirements regarding the delivery, performance or execution;</li> <li>c) conditions in which the payment is to be made.</li> </ul> <p>Art. 47</p> <p>(1) In 2 days from the reception of the notification provided in art. 46 paragraph (2), the economic operator is bound to send, by means of the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>SEAP, whether it accepts or not the terms imposed by the contracting authority. Failure to send a reply within this period of time is equal to the non-acceptance of the terms imposed by the contracting authority.</p> <p>(2) In case where the economic operator accepts the terms imposed by the contracting authority, it shall send thereof, by means of the SEAP, the firm offer for the products' supply, service performance or work execution.</p> <p>(3) The contracting authority shall send, by means of the SEAP, whether it accepts the firm offer provided in paragraph (2), within no more than 5 days as from the date of sending the firm offer by the economic operator.</p> <p>.....</p> <p><b>CHAPTER VII</b></p> <p>Suspension of the right of the economic operator to participate in awarding procedures in the SEAP</p> <p><b>Art. 52</b></p> <p>The suspension of the right of an economic operator to participate in the awarding procedures in the SEAP shall be enforced in case where the economic operator registered within the SEAP breaches the norms and</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>procedures for use and security of the public procurement electronic system, set forth by the operator thereof.</p> <p>Art. 53                      (1) The SEAP operator shall decide upon the duration of the suspension from the electronic system, according to the effects of violation of the norms and procedure for use and security related to the proper operation of the system, duration which cannot exceed 2 years.                      (2) The SEAP operator is bound to issue the decision to suspend an economic operator within 2 working days as from the establishment of violation of the norms and procedure for use and security of the SEAP.                      (3) The decision of suspension shall be published in the SEAP.                      (4) The decisions of suspension set forth by the SEAP operator according to the provisions of this chapter can be opposed in court according to the Administrative Disputes Law No. 554/2004, with subsequent amendments.</p> <p>Art. 54                      Norms and procedures for use and security of the SEAP shall be adopted under decision of the SEAP operator and published in the SEAP within no</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>more than 20 days as from the date of these norms' coming into effect.</p> <p>CHAPTER VIII Tariffs Section 1 The participation tariff</p> <p>Art. 55 No tariffs shall be levied for the following operations: a) registration and renewal of registration in the SEAP, both of the economic operators and of the contracting authorities, such as provided in Chapter II; b) making available to the contracting authorities of the specific form provided in art. 2, publication in the SEAP, irrespective of the implemented procedure, of the intention, participation and awarding notices, as well as sending to the Official Journal of the European Union of these notices by the SEAP operator; c) consulting by any economic operator of the notices provided at letter b) as well as of the tender documentation published in the SEAP according to the provisions of art. 40 paragraph (2) letter a) in the emergency ordinance.</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 56</p> <p>(1) To participate in an awarding procedure applied entirely by using electronic means or in an electronic auction as a final stage of an awarding procedure which has not been organized entirely by electronic means, any economic operator registered in the SEAP is bound to pay a participation tariff to the operator of this system.</p> <p>(2) The participation tariff is paid in advance, the economic operator having no right to participate in the respective procedure in case it fails to pay such tariff.</p> <p>Art. 57</p> <p>(1) The amount of the participation tariff is maximum 20 RON for any type of awarding procedure implemented entirely by use of electronic means or for the electronic auction as a final stage of an awarding procedure which has not been organized entirely by electronic means.</p> <p>(2) The value added tax shall be attached to the amount of the participation tariff, according to the law.</p> <p>(3) The participation tariff shall become an income to the budget of the SEAP operator.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Art. 58</p> <p>(1) The effective quantum of the participation tariff, outstanding by an economic operator, in accordance with the provisions of art. 45 paragraph (1) for the participation in an awarding procedure implemented entirely by using electronic means and/or in an electronic auction as a final stage of an awarding procedure which has not been organized entirely by electronic means shall be set forth under the decision of the SEAP operator, in accordance with the requirements of development, operation and management of the electronic system of public procurement and adequate requirements of security thereof, within the limit of the maximum value provide in art. 57 paragraph (1).</p> <p>(2) The economic operator has the possibility to pay the participation tariffs adequate for several awarding procedures applied entirely by using the electronic means and/or several electronic auctions as final stages of some awarding procedures which have not been organized entirely by electronic means, in which the economic operator estimates to participate.</p> <p>(3) The SEAP operator, under</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>decision, can grant discounts of the participation tariff in the event where the economic operator opts to participate in a determined number of awarding procedures by using electronic means and/or electronic auctions as final stages of public awarding procedures which have not been organized entirely by electronic means.</p> <p>(4) The SEAP operator, under decision, can grant the possibility to the economic operators to participate, free of charge, in a determined number of awarding procedures implemented entirely by using electronic means and/or electronic auctions as final stages of public procurement procedures which have not been organized entirely by electronic means.</p> <p>(5) The decisions under paragraph (1), (3), (4) are to be published in SEAP.</p> <p>Art. 59</p> <p>(1) The economic operator has the right to participate to any awarding procedure implemented entirely by using electronic means or to any electronic auction, for which it has paid the participation tariff, for the whole period when it is registered in SEAP.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(2) The economic operator does not have the right to ask for the reimbursement of the sums paid as participation tariff related to the awarding procedures applied entirely by using the electronic means and/or of the electronic auction to which it does not intend to participate anymore.</p> <p>Art. 60</p> <p>(1) In order to publish the products, services or works it offers according to the provisions of art. 45, any economic operator registered in SEAP is bound to pay to the operator of this IT system a participation tariff for the publishing in the catalogue.</p> <p>(2) The participation tariff for the publishing in the catalogue is to be paid in advance.</p> <p>(3) After paying the participation tariff for being published in the catalogue, the SEAP operator offers to any economic operator an entry in the catalogue which will enable the economic operator to publish in the catalogue one product, service or work for a period of 2 years.</p> <p>(4) The period under paragraph (3) is calculated form the date when the SEAP operator allows the economic operator to publish a product, service or work under an entry in the</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>catalogue.</p> <p>(5) At the expiration of the period provided in paragraph (3), in terms where the economic operator fails to pay a new participation tariff for the publication in the catalogue, the respective position shall be automatically deleted</p> <p>Art. 61</p> <p>(1) The amount of the participation tariff for publication in the catalogue is maximum 2 RON for a position in the catalogue.</p> <p>(2) The value added tax shall be attached to the amount of the participation tariff for publishing in the catalogue, according to the law.</p> <p>(3) The economic operator has the possibility to pay the participation tariffs for publishing in the catalogue corresponding to several catalogue entries.</p> <p>(4) The participation tariff shall become an income to the budget of the SEAP operator.</p> <p>Art. 62</p> <p>(1) The effective amount of the participation tariff for publication in the catalogue, outstanding by an economic operator, shall be set forth under decision of the SEAP operator, in accordance with the requirements</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>of development, operation and management of the electronic system of public procurement and the adequate security requirements thereof, within the limit of the maximum value provided in art. 61 paragraph (1).</p> <p>(2) The SEAP operator, under decision, may grant the possibility to the economic operators to publish in the catalogue their products, services or works free of charge, within the limit of 50 positions in the catalogue.</p> <p>(3) Decisions provided in paragraph (1) and (2) shall be published in the SEAP.</p> <p>Art. 63 The economic operator shall not be entitled to request the return of the amounts paid as a participation tariff for publication in the catalogue related to the positions in which it did not publish or does not further intend to public products, services or works.</p> <p>Section 2 Usage tariff</p> <p>Art. 64 (1) Any contracting authority which has started an awarding procedure in the SEAP, applied entirely by using the electronic means or an electronic</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>auction shall be bound to pay the SEAP operator a usage tariff the amount of which is set forth according to the number and type of the procedure conducted by electronic means in the SEAP. In case of procurement per sets, tariff shall be levied for one sole awarding procedure.</p> <p>(2) According to the type of awarding procedure applied by using the electronic means started in the SEAP, any contracting authority shall owe:</p> <p>a) 80 RON in case of an open tender procedure or restricted tender procedure, applied entirely by using electronic means, even if these include or do not include a final stage of electronic auction;</p> <p>b) 50 RON in case of a procedure of tender request applied entirely by using electronic means, even if this includes or does not include a final stage of electronic auction;</p> <p>(3) To organize an electronic auction as a final stage of an awarding procedure which has not been organized entirely by electronic means or at resuming the competition among the economic operators which signed a framework agreement, any contracting authority owes usage tariff of 50 RON, the number of organized</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>rounds having no relevance whatsoever as to the establishment of the respective tariff.</p> <p>(4) In case of procurement based on electronic catalogue by using electronic means, any contracting authority owes a usage tariff of 5 RON.</p> <p>(5) The value added tax shall be attached to the amount of use tariff determined according to paragraph (2), (3) and (4), under the law.</p> <p>(6) The events provided in paragraph (2), (3) and (4), even if these have been finalized or not by awarding public procurement contract, shall be had in view when customizing the usage tariff.</p> <p>(7) The usage tariff shall become an income to the budget of the SEAP operator.</p> <p>Art. 65</p> <p>(1) Payment of the tariff for using SEAP shall be made on a half-annual basis pursuant to the decision evidence of indebtedness issued by the SEAP operator and the invoice attached thereto.</p> <p>(2) The SEAP operator shall be bound to issue the decision evidence of indebtedness and the invoice for the usage tariff outstanding for the procurements provided in art. 64</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>paragraph (2), (3) and (4), which have been initiated during the first half of the year, until August 15 of the on-going year, and for those initiated during the second half of the year, until the date of February 15 of the next year.</p> <p>(3) Decisions and invoices provided in paragraph (2) shall be sent to the contracting authorities within 10 working days as from the issue thereof, by mail under registered letter with a confirmed receipt, or by other means which provide the sending of the text of the document and confirmation of the reception thereof.</p> <p>(4) The contracting authorities are bound to pay the usage tariff until September 20 of the on-going year for the usage tariff related to the first half and until March 20 of the next year for the usage tariff related to the second half, respectively.</p> <p>Art. 66 The SEAP operator is bound to make available to any contracting authority, at the request thereof, the statement regarding the number and type of awarding procedures applied by using electronic means, according to which the usage tariff was customized.</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>CHAPTER IX Transitory and final provisions</p> <p>Art. 67 In the view of informing of all the interested persons, the SEAP operator is bound to publish the provisions of this Government Decision in the public procurement electronic system.</p> <p>Art. 68 (1) The operation of the SEAP is provided, technically, by the SEAP operator, as per stages, as follows:  a) commencing from the date of these norms' coming into effect, the procedures of registration and renewal of registration, provided in Chapter II, are available to any applicant, irrespective whether this is a contracting authority or an economic operator:  b) in no more than 30 days as from the date of these norms' coming into effect, the technical facilities are available for the publication of the intention, participation, awarding notices and for providing direct and unrestricted access to any economic operator to the tender documentation, sent by the contracting authority to the SEAP in form of an electronic file,</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>c) within no more than 45 days as from the date of these norms' coming into effect, technical facilities are available for the implementation of the provisions of art. 49 paragraph (1), (2) and (3) in the emergency ordinance, for the application, entirely, by use of electronic means, of the tender request procedure and for the direct procurement by any contracting authority, by means of the electronic catalogue;</p> <p>(d) within no more than 90 days as from the date of these norms' coming into effect, technical facilities are available for using electronic auctions;</p> <p>(e) within no more than 120 days as from these norms' coming into effect, technical facilities are available for the implementation, entirely by using electronic means, of the open tender procedure and restricted tender procedure.</p> <p>(2) Until June 1, 2007, the SEAP operator shall be bound to submit to the National Authority for Regulation and Monitoring Public Procurements and Ministry of Communications and Information Technology the technical project regarding the completion of the dynamic purchasing system, such as provided in Chapter IV, Section 2, of the emergency ordinance, for the purpose of enacting the specific</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>application norms for implementing this special modality of awarding the public procurement contracts.</p> <p>Art. 69                      (1) Commencing from January 1, 2007, any contracting authority shall be bound to send for publication the intention, participation and awarding notices to the SEAP operator.                      (2) The contracting authority shall be entitled to send for publication an awarding notice in SEAP only in terms of previous publication in the SEAP of the participation notice for the corresponding awarding procedure.</p> <p>Art. 70                      The SEAP operator shall be bound to observe the principles of non-discrimination and equal treatment when granting discounts and gratuities provided in art. 58 paragraph (3) and (4) and in art. 62 paragraph (2).</p> <p>Art. 71                      (1) For the purpose of training the staff of the contracting authorities and economic operators in the field of organizing public procurement by electronic means and regarding the use of the SEAP, the operator of this system shall be entitled to organize</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>training courses.</p> <p>(2) The periods and conditions in which training courses are organized are published in the SEAP.</p> <p>(3) Tariffs which will be levied for the organization of training course shall be set forth under decision of the SEAP operator and shall be published in the SEAP.</p> <p>(4) Tariffs levied for the organization of training course shall become an income to the budget of the SEAP operator.</p> <p>Art. 72</p> <p>(1) For electronic tenders initiated prior to the date of this emergency ordinance's coming into effect, tariffs will be levied for usage in accordance with the legal provisions in force on the date of their initiation.</p> <p>(2) Participation tariffs paid by economic operators prior to the date of the emergency ordinance's coming into effect, without participating in the awarding procedures organized by electronic system, shall be returned by the SEAP operator at the request thereof.</p> <p>Art. 73</p> <p>The provisions of these norms of application shall be supplemented by the provisions of Government</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>Decision No. 925/2006 for the approval of the norms of application of the provisions referring to the awarding of public procurement contracts in Government Emergency Ordinance No. 34/2006 regarding the awarding of public purchase contracts, of public works concession contract and service concession contracts, with subsequent amendments and supplements.</p> <p>Art. 74            (1) This Government Decision shall come into effect 5 days as from the date of its publication in the Official Gazette of Romania, Part I.            (2) Tariffs provided in the contents of Chapter VIII shall be levied as from January 1, 2007.            (3) Until January 1, 2007, economic operators are entitled to publish products, services and works in the catalogues provided in art. 45 within the limit of 50 catalogue positions.</p>
43.1.s1.p1	<p>Section 5 Reports</p> <p>Article 43 Content of reports For every contract, framework agreement, and every establishment of a dynamic purchasing system, the contracting</p>	50.1.1.p1	<p>Article 50 Information to be stored concerning awards 1. Contracting entities shall keep appropriate information on each contract ....</p>	211	<p>Chapter VI Award procedure file</p> <p>Article 211 The contracting authority shall draw up the file of the public procurement for each awarded contract, framework agreement and every establishment of a dynamic purchasing system.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	authorities shall draw up a written report .....				
43.1.s1.p2	..... which shall include at least the following:	50.1.1.p2	..... which shall be sufficient to permit them at a later date to justify decisions taken in connection with:	213.1.s1 & 213.2.s1	<p>Article 213</p> <p>(1) The file of the public procurement shall contain at least the following elements:</p> <p>(2) The report of the awarding procedure, provided for by paragraph (1), letter g) is elaborated before the conclusion of the public procurement contract/ framework agreement/dynamic purchasing system, containing at least the following elements:</p>
43.1.a.p1	(a) the name and address of the contracting authority, .....	na	na	213.2.a	a) the name and the address of the contracting authority;
43.1.a.p2	..... the subject-matter and .....	na	na	213.2.b	b) the object of the public procurement contract/ framework agreement or dynamic purchasing system;
43.1.a.p3	value of the contract, framework agreement or dynamic purchasing system;	na	na	na	na
43.1.b-c	(b) the names of the successful candidates or tenderers and the reasons for their selection; (c) the names of the candidates or tenderers rejected and the reasons for their rejection;	50.1.1.a.p1	(a) the qualification and selection of economic operators .....	213.2.c-g	<p>c) if the case, the name of the candidates that participate to the procedure;</p> <p>d) if the case, the name of the selected and not selected candidates, as well as the reason for their selection or non-selection;</p> <p>e) the name of the tenderers that participate to the procedure;</p> <p>f) the name of the tenderers rejected</p>

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					and the reasons that led to this decision;
43.1.d	(d) the reasons for the rejection of tenders found to be abnormally low;	na	na	213.2.g	g) if the case, the reasons for the rejection of tenders found to be abnormally low;
43.1.e.p1	(e) the name of the successful tenderer and the reasons why his tender was selected and, .....	50.1.1.a.p2	..... and the award of contracts;	213.2.h	h) the name of the tenderer/ tenderers whose tender was declared winner and the reasons that led to this decision;
43.1.e.p2	..... if known, the share of the contract or framework agreement which the successful tenderer intends to subcontract to third parties;	na	na	213.2.i	i) in the case of the winning tender/tenderers, the part of the contract that they have declared to subcontract and the name of the subcontractors.
43.1.f	(f) for negotiated procedures, the circumstances referred to in Articles 30 and 31 which justify the use of these procedures;	50.1.1.b	(b) the use of procedures without a prior call for competition by virtue of Article 40(3);	213.1.e	e) the justification document regarding the selection of the awarding procedure, where the procedure applied is not open procedure or restricted procedure;
43.1.g	(g) as far as the competitive dialogue is concerned, the circumstances as laid down in Article 29 justifying the use of this procedure;	na	na	na	na
43.1.h	(h) if necessary, the reasons why the contracting authority has decided not to award a contract or framework agreement or to establish a dynamic purchasing system.	na	na	213.2.j	j) if the case, the justification of the annulment decision of the awarding procedure.
na	na	50.1.1.c	(c) the non-application of Chapters III to VI of this Title by virtue of the derogations provided for in Chapter II of Title I and in Chapter II of this	na	na



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			Title.		
na	na	na	na	213.1.a-d & f-i	<p>a) the document regarding the estimation of value;</p> <p>b) the intention notice and the proof of sending it out for publication, if it is the case;</p> <p>c) the participation notice and the proof of sending it out for publication and/or, as it is the case, the participation invitation;</p> <p>d) the tender documentation;</p> <p>f) the justification notice regarding the acceleration of the procedure, if it is the case;</p> <p>g) the report regarding the awarding procedure;</p> <p>h) the signed public procurement contract/ the framework agreement contract;</p> <p>i) the awarding notice and the proof of sending it out for publication</p>
na	na	na	na	214	<p>Article 214</p> <p>The provisions of <a href="#">article 213 paragraph (1)</a> will apply accordingly for the awarding of the contracts stipulated in <a href="#">Chapter VII</a>.</p>
43.2	The contracting authorities shall take appropriate steps to document the progress of award procedures conducted by electronic means.	50.1.2	Contracting entities shall take appropriate steps to document the progress of award procedures conducted by electronic means.	216	<p>Article 216</p> <p>In case the contracting authority applies an awarding procedure by electronic means, uses a dynamic procurement system or an electronic procurement system, it has the obligation to ensure complete</p>

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					traceability of the actions that it carries out during the awarding procedures, so that the preparation of the public procurement contract, according to the stipulation of art. 213 shall not be affected.
na	na	50.2.p1	2. The information shall be kept for at least four years from the date of award of the contract .....	212	Article 212 The file of the public procurement is kept by the contracting authority as long as the public procurement contract/framework agreement in force but not less than 5 years from the moment of completing the respective contract.
43.3	The report, or the main features of it, shall be communicated to the Commission if it so requests.	50.2.p2	..... so that the contracting entity will be able, during that period, to provide the necessary information to the Commission if the latter so requests.	na	na
na	na	na	na	215 (amended by L337/2006, point 30)	Article 215 1. The public procurement dossier has the character of a public document. The access of persons to this information is enabled by respecting the time-limits and procedures stipulated by the legal provisions regarding the free access to public interest information and can't be restricted unless this information is classified as secret or protected by an intellectual property right, according to the law. 2. <i>The unjustified restriction of access at the award procedure file,</i>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<i>the head of the contracting authority will be sanctioning by The National Authority for Regulating and Monitoring Public Procurement, according to the provisions of the present law</i>
na	na	51	<p>CHAPTER VII Conduct of the procedure</p> <p>Article 51 General provisions 1. For the purpose of selecting participants in their award procedures: (a) contracting entities having provided rules and criteria for the exclusion of tenderers or candidates in accordance with Article 54(1), (2) or (4) shall exclude economic operators which comply with such rules and meet such criteria; (b) they shall select tenderers and candidates in accordance with the objective rules and criteria laid down pursuant to Article 54; (c) in restricted procedures and in negotiated procedures with a call for competition, they shall where appropriate reduce in accordance with Article 54 the number of candidates selected pursuant to subparagraphs (a) and (b). 2. When a call for competition is</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>made by means of a notice on the existence of a qualification system and for the purpose of selecting participants in award procedures for the specific contracts which are the subject of the call for competition, contracting entities shall:</p> <p>(a) qualify economic operators in accordance with the provisions of Article 53;</p> <p>(b) apply to such qualified economic operators those provisions of paragraph 1 that are relevant to restricted or negotiated procedures.</p> <p>3. Contracting entities shall verify that the tenders submitted by the selected tenderers comply with the rules and requirements applicable to tenders and award the contract on the basis of the criteria laid down in Articles 55 and 57.</p>		
44.1	<p>CHAPTER VII Conduct of the procedure Section 1 General provisions</p> <p>Article 44 Verification of the suitability and choice of participants and award of contracts 1. Contracts shall be awarded on the basis of the criteria laid down in Articles 53 and 55, taking into</p>	54.1-2	<p>Article 54 Criteria for qualitative selection 1. Contracting entities which establish selection criteria in an open procedure shall do so in accordance with objective rules and criteria which are available to interested economic operators. 2. Contracting entities which select candidates for restricted or negotiated procedures shall do so according to objective rules and</p>	200	<p>Section 4 The assignation of the winning tender</p> <p>Article 200 The contracting authority has the obligation to establish the winning tender on the basis of the awarding criterion established within the participation notice and within the tender documentation if the respective tenderer accomplishes the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	account Article 24, after the suitability of the economic operators not excluded under Articles 45 and 46 has been checked by contracting authorities in accordance with the criteria of economic and financial standing, of professional and technical knowledge or ability referred to in Articles 47 to 52, and, where appropriate, with the non-discriminatory rules and criteria referred to in paragraph 3.		criteria which they have established and which are available to interested economic operators.		imposed selection and qualification criteria.
44.2.1	2. The contracting authorities may require candidates and tenderers to meet minimum capacity levels in accordance with Articles 47 and 48.	na	na	176	<p>Section 2 Selection and qualification of the tenderers/candidates</p> <p>Paragraph 1 Criteria of selection and qualification</p> <p>Article 176 The contracting authority has the right to apply the selection and qualification criteria regarding only:</p> <ul style="list-style-type: none"> <li>a) the personal situation of the candidate or tenderer;</li> <li>b) the suitability to pursue the professional activity;</li> <li>c) the economic and financial standing;</li> <li>d) the technical and/or professional ability;</li> <li>e) the quality assurance standards;</li> <li>f) the environmental management</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					standards in the cases provided for in article 188 paragraph (2) let. f) and paragraph (3) let. e).
na	na	na	na	(Article 7-12 of GD-925/2006)	<p>CHAPTER II Qualification and selection criteria. Awarding criteria</p> <p>SECTION 1 Establishment of the qualification and selection criteria</p> <p>Article 7 The qualification criteria, provided by article 176 of the emergency ordinance, are intended to demonstrate the technical, financial and organizational potential of each economic operator participant to the procedure, potential that must reflect the economic operator's concrete possibility to fulfil the contract and to solve eventual difficulties related to the fulfilment of the contract, in case the economic operator's tender shall be deemed successful.</p> <p>Article 8 (1) The contracting authority does not have the right to restrict the participation in the procedure of awarding the contract of public procurement by introducing minimum requirements that: a) are not relevant in connection</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>with the nature and the complexity of the public procurement contract that follows to be awarded; or</p> <p>b) are not proportional in connection with the nature and complexity of the public procurement contract that follows to be awarded.</p> <p>(2) When it imposes minimum requirements regarding the economic and financial standing or technical and/or professional ability, as foreseen in article 178, paragraph (1) of the emergency ordinance, the contracting authority must be able to explain these requirements, by elaborating in this respect, an explanatory note that will be attached to the public procurement file.</p> <p>Article 9 The contracting authority has the right to impose, as minimum requirement in relation with the economic and financial standing of the tenderers/candidates, a certain level of some economic or financial indicators, only if those indicators are concretely related with an eventual risk of non-accomplishment of the contract.</p> <p>Article 10 (1) The contracting authority has the right to award the contract by lots,</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>according with the art.23 provisions of the emergency ordinance and with the condition to specify this fact in the awarding documentation.</p> <p>(2) In the case provided by paragraph (1), the contracting authority has the right to require the fulfilment of one or more of the qualification criteria established in article 176 of the emergency ordinance, with the condition that the set of minimal requirements that the tenderers/candidates must fulfil, to be established in connection with each lot, and not in connection with the entire contract.</p> <p>Article 11</p> <p>(1) When it requires the fulfilment of certain qualification criteria, the contracting authority must specify in the contract notice and in the awarding documentation information that the economic operators will present with this purpose, as well as the specific documents that can confirm that information.</p> <p>(2) The required documents must not limit the tenderer/candidate's possibility to prove the fulfilment of the qualification criteria also by other means, insofar as those can be considered relevant by the contracting authority.</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(3) When there are uncertainties on some of the presented documents, the contracting authority has the right to require supplementary details, clarifications or confirmations from the respective tenderer/candidate, as well as from the competent authorities that can provide information in this sense. In any situation, the contracting authority has the obligation to ensure a reasonable period of time for providing the solicited clarifications/confirmations.</p> <p>(4) In order to prove the fulfilment of the obligations foreseen in article 181 letter c) of the emergency ordinance, the tenderer/candidate has the right to present, initially, a statement, signed by his/her legal representative, through which he/she confirms the fact that he/she is not in the respective situation; the tenderer/candidate still has the obligation to present ascertaining certificates regarding the accomplishment of the obligations of paying the duties, taxes and social insurance contributions, to the extent that these documents are emitted in his/her country of origin or country of establishment, when he/she receives from the contracting authority a requirement in this sense, but not later than the adoption of the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>awarding decision.</p> <p>Article 12</p> <p>(1) In the first phase of the restricted procedure, of the competitive dialogue, as well as of the negotiation with prior publication of a contract notice, the contracting authority has the right to use for selecting/ pre-selecting the candidates only the criteria stipulated at article 176, letter c) and d) of the emergency ordinance.</p> <p>(2) The selecting/ pre-selecting of the candidates represent a distinct process that follows to qualification process having the purpose to reduce the number of qualified candidates that will submit tender or participate in the dialogue/negotiations. The selection/pre-selection is performed awarding to each candidate a score that must reflect his/her capacity to fulfil the contract that follows to be awarded.</p> <p>(3) The contracting authority must stipulate in the contract notice and in the awarding documentation, the method of awarding the score based on which the candidates classification will be done often a selection/pre-selection is performed.</p>
44.2.2	The extent of the information referred to in Articles 47 and 48 and	na	na	178.2 & 179	(2) The contracting authority doesn't have the right to require the

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	the minimum levels of ability required for a specific contract must be related and proportionate to the subject-matter of the contract.				<p>accomplishment of some minimum requirements, regarding the economic and financial standing and the technical and/or professional ability, which may conduct to a restriction of the participation to the awarding procedure</p> <p>Article 179 The contracting authority has the obligation to observe the proportionality principle when establishing the qualification and selection criteria, as well as the level of the minimum requirements, taking into account the specific exigencies imposed by the nature and the complexity of the contract that is awarded.</p>
44.2.3	These minimum levels shall be indicated in the contract notice.	na	na	178.1	<p>Article 178 (1) For the application of the criteria like those provided by Article 176, letter c) and d), the contracting authority has the obligation to specify within the participation notice the minimum requirements that shall be accomplished by tenderers/candidates to be qualified in accordance with Paragraph 4 and 5 of this Section.</p>
na	na	na	na	85.1, 100 & 116.1	<p>Article 85 (1) Any economic operator has the right to submit its candidature for the first phase of the restricted procedure.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	100	Article 100 Any economic operator has the right to submit his candidature for participation in the competitive dialogue.
na	na	na	na	116.1	Article 116 (1) Any economic operator has the right to submit its candidature in order to participate in the negotiation with publication of a participation notice.
44.3.1.s1	3. In restricted procedures, negotiated procedures with publication of a contract notice and in the competitive dialogue procedure, contracting authorities may limit the number of suitable candidates they will invite to tender, to negotiate or to conduct a dialogue with, provided a sufficient number of suitable candidates is available.	na	na	85.2 & 116.2	(2) In the phase provided in article 81 paragraph (1) let. a), the contracting authority has the right to limit the number of candidates they will invite to tender, provided a sufficient number of suitable candidates is available. When it selects the candidates, the contracting authority has the obligation to apply objective and non-discriminatory criteria regarding only the technical, economical and financial capacity.  (2) Before the beginning of the negotiations, the contracting authority has the right to carry out a preliminary selection of the candidates that will participate to the negotiations, using in this purpose exclusively criteria regarding the technical, economic and financial capacity.
43.3.1.s2	The contracting authorities shall indicate in the contract notice the objective and non-discriminatory	na	na	85.3, 101.2 & 116.3	(3) The contracting authority has the obligation to indicate in the participation notice the selection

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	criteria or rules they intend to apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.				<p>criteria and the rules that are applicable, the minimum number of candidates that it intends to select and, if the case, the maximum number.</p> <p>(2) The contracting authority has the obligation to indicate in the participation notice the pre-selection criteria and the rules that are applicable, the minimum number of candidates that it intends to pre-select and, if the case, the maximum number.</p> <p>(3) The contracting authority has the obligation to indicate, in the participation notice, the selection criteria and the applicable rules, the minimum number of candidates it intends to preselect and, if applicable, their maximum number.</p>
44.3.2.s1	In the restricted procedure the minimum shall be five.	na	na	85.4	(4) The minimum number indicated in the participation notice, stipulated in paragraph. (3), cannot be lower than 5.
44.3.2.s2	In the negotiated procedure with publication of a contract notice and the competitive dialogue procedure the minimum shall be three.	na	na	101.3 & 116.4	<p>(3) The minimum number indicated in the participation notice, stipulated in paragraph. (2), cannot be lower than 3.</p> <p>(4) The minimum number indicated in</p>

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					the participation notice, provided for by paragraph (3) shall not be lower than 3.
44.3.2.s3	In any event the number of candidates invited shall be sufficient to ensure genuine competition.	na	na	na	na
44.3.3.s1	The contracting authorities shall invite a number of candidates at least equal to the minimum number set in advance.	na	na	86.1, 102.1 & 117.1	<p>Article 86 (1) The number of selected candidates after the first phase of the restricted procedure must be at least equal with the minimum number indicated in the participation notice.</p> <p>Article 102 (1) The number of admitted candidates after the first phase of the competitive dialogue has to be equal with at least the minimum number indicated in the participation notice.</p> <p>Article 117 (1) The number of selected candidates shall be at least equal with the minimum number indicated in participation notice.</p>
44.3.3.s2.p1	Where the number of candidates meeting the selection criteria and the minimum levels of ability is below the minimum number, .....	na	na	86.2.s1, 102.2.s1 & 117.2.s1	<p>(2) In the case when the number of candidates that comply with selection criteria is lower than minimum number indicated in the participation notice, the contracting authority has the right:</p> <p>(2) In the case when the number of candidates that fulfil the pre-selection criteria is lower then the minimum</p>

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					number specified in the participation notice, the contracting authority has the right:  (2) If the number of candidates that fulfil the selection criteria is lower than the minimum number indicated in the participation notice, the contracting authority has the right:
na	na	na	na	86.2.a, 102.2.a & 117.2.a	a) either to cancel the restricted procedure;  a) either to cancel the competitive dialogue;  a) either to cancel the negotiation with the publication of a participation notice;
44.3.3.s2. p2	..... the contracting authority may continue the procedure by inviting the candidate(s) with the required capabilities.	na	na	86.2.b.p1, 102.2.b.p1 & 117.2.b.p1	b) or to carry on the restricted procedure only with those candidates that accomplish the required criteria, .....  b) or to continue the competitive dialogue only with those candidates that comply with the required criteria, .....  b) or to continue the negotiation procedure with publication of a participation notice only with those candidates that fulfil the required criteria, .....
na	na	na	na	86.2.b.p2,	.... insofar as those number is, still

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				102.2.b.p2 & 117.2.b.p2	<p>sufficient to ensure a genuine competition.</p> <p>..... insofar the number of those is still sufficient to a genuine competition.</p> <p>..... if their number is still sufficient in order to ensure genuine competition.</p>
44.3.3.s3	In the context of this same procedure, the contracting authority may not include other economic operators who did not request to participate, or candidates who do not have the required capabilities.	na	na	87.2, 103.2 & 118.2	<p>(2) It is forbidden to invite for the second phase of the restricted procedure an economic operator that did not submit the candidature in first phase or that did not accomplish the selection criteria.</p> <p>(2) It is forbidden to invite to the second phase of the competitive dialogue an economic operator that did not submit the candidature in first phase or that did not comply with pre-selection criteria.</p> <p>(2) It is forbidden to invite for the second phase of the negotiation procedure with publication of a participation notice an economic operator that did not submit the candidature in first phase or that did not accomplish the preselection criteria.</p>
44.4.s1	4. Where the contracting authorities exercise the option of reducing the number of solutions to be discussed or of tenders to be negotiated, as	54.3.s1	3. In restricted or negotiated procedures, the criteria may be based on the objective need of the contracting entity to reduce the	na	na



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	provided for in Articles 29(4) and 30(4), they shall do so by applying the award criteria stated in the contract notice, in the specifications or in the descriptive document.		number of candidates to a level which is justified by the need to balance the particular characteristics of the procurement procedure with the resources required to conduct it.		
44.4.s2	In the final stage, the number arrived at shall make for genuine competition insofar as there are enough solutions or suitable candidates.	54.3.s2	The number of candidates selected shall, however, take account of the need to ensure adequate competition.	86.2.b.p2, 102.2.b.p2 & 117.2.b.p2	.... insofar as those number is, still sufficient to ensure a genuine competition.  ..... insofar the number of those is still sufficient to a genuine competition.  ..... if their number is still sufficient in order to ensure genuine competition.
45.1	Section 2 Criteria for qualitative selection  Article 45 Personal situation of the candidate or tenderer 1. Any candidate or tenderer who has been the subject of a conviction by final judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract: (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA(20); (b) corruption, as defined in Article 3 of the Council Act of 26	54.4	4. The criteria set out in paragraphs 1 and 2 may include the exclusion criteria listed in Article 45 of Directive 2004/18/EC on the terms and conditions set out therein. Where the contracting entity is a contracting authority within the meaning of Article 2(1)(a), the criteria and rules referred to in paragraphs 1 and 2 of this Article shall include the exclusion criteria listed in Article 45(1) of Directive 2004/18/EC.	180	Paragraph 2 Personal situation of the candidate or tenderer  Article 180 The contracting authority has the obligation to exclude, from the procedure applied for the award of the public procurement contract, any tenderer/candidate whereof it has information that, in the last 5 years, it was convicted by definitive court judgement, for participation in a criminal organization, for corruption, for fraud and/or for money laundering.

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	<p>May 1997(21) and Article 3(1) of Council Joint Action 98/742/JHA(22) respectively;</p> <p>(c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities(23);</p> <p>(d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering(24).</p> <p>Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.</p> <p>They may provide for a derogation from the requirement referred to in the first subparagraph for overriding requirements in the general interest.</p> <p>For the purposes of this paragraph, the contracting authorities shall, where appropriate, ask candidates or tenderers to supply the documents referred to in paragraph 3 and may, where they have doubts concerning the personal situation of such candidates or tenderers, also apply to the competent authorities to</p>				

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	obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a candidate or tenderer established in a State other than that of the contracting authority, the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the candidates or tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the candidate or tenderer.				
45.2.1.s1	2. Any economic operator may be excluded from participation in a contract where that economic operator:	see 54.4	na	181.s1	Article 181 The contracting authority has the right to exclude within the award of the public procurement contract procedure any tenderer/candidate if the tenderer/candidate:
45.2.1.a	(a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under	see 54.4	na	181.a (amended by L337/2006, point 27)	<i>a) is bankrupt or is under liquidation procedure, his affairs are being led by a judiciary administrator, or his business activities are suspended or he has entered into an arrangement with creditors, or is in a similar situation regulated by law;</i>

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	national laws and regulations;				
45.2.1.b	(b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;	see 54.4	na	181.b	b) is the subject of a legal procedure for his declaration on one of the situations provided for by letter a);
45.2.1.c	(c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;	see 54.4	na	181.d	d) has been convicted in the last 3 years by definitive court judgement, for an act that doesn't correspond with the professional ethics or for a grave professional misconduct;
45.2.1.d	(d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;	see 54.4	na	na	na
45.2.1.e-f	(e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority; (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;	see 54.4	na	181.c	c) has not fulfilled his obligations relating to the payment of taxes to the state as well as the obligations relating to the payment of social security contributions in accordance with the legal provisions of Romania or of the country in which he is established;
45.2.1	(g) is guilty of serious misrepresentation in supplying the	see 54.4	na	181.e	e) presents false information or doesn't present the information

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	information required under this Section or has not supplied such information.				required by the contracting authority, regarding the afferent situation provided for by letters a)-d).
45.2.2	Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.	see 54.4	na	see 181	na
45.3.1	<p>3. Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in paragraphs 1 or 2(a), (b), (c), (e) or (f) applies to the economic operator:</p> <p>(a) as regards paragraphs 1 and 2(a), (b) and (c), the production of an extract from the "judicial record" or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;</p> <p>(b) as regards paragraph 2(e) and (f), a certificate issued by the competent authority in the Member State concerned.</p>	see 54.4	na	182.1-2	<p>Article 182</p> <p>(1) In order to demonstrate the fact that the tenderer/candidate is not in one of the situations provided for by Article 180 and Article 181, the contracting authority has the obligation to accept as sufficient and relevant any document considered edifying from this point of view, in the country of origin of the tenderer/candidate or whence it is established, such as certificates, extract from judicial records or any other equivalent documents issued by competent authorities from that country.</p> <p>(2) In the case when the contracting authorities have doubts concerning the personal situation of the candidates/tenderers, it has the right to request information directly to the competent authorities which issue documents as those provided for in paragraph (1).</p>
45.3	Where the country in question does not issue such documents or	see 54.4	na	182.3	(3) Where the country in question does not issue documents as those

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	certificates, or where these do not cover all the cases specified in paragraphs 1 and 2(a), (b) and (c), they may be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes.				provided for in paragraph (1), or where these do not cover all the situations referred to in article 180 and article 181, the contracting authority has the obligation to accept a declaration on oath, or in countries where there is no provision for declaration on oath, a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body.
45.4	4. Member States shall designate the authorities and bodies competent to issue the documents, certificates or declarations referred to in paragraph 3 and shall inform the Commission thereof. Such notification shall be without prejudice to data protection law.	see 54.4	na	na	na
46.1	Article 46 Suitability to pursue the professional activity Any economic operator wishing to take part in a public contract may be requested to prove its enrolment, as prescribed in his Member State of establishment, on one of the professional or trade registers or to provide a declaration on oath or a certificate as described in Annex IX A for public works contracts, in	na	na	183	Paragraph 3 Suitability to pursue the professional activity  Article 183 The contracting authority has the right to require to any economic operator to present relevant documents in order to prove its registration form as natural or legal person or registration/ attestation or affiliation from the professional point

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	Annex IX B for public supply contracts and in Annex IX C for public service contracts.				of view, according to the provisions from the country where the economic operator is established.
46.2	In procedures for the award of public service contracts, insofar as candidates or tenderers have to possess a particular authorisation or to be members of a particular organisation in order to be able to perform in their country of origin the service concerned, the contracting authority may require them to prove that they hold such authorisation or membership.	na	na	see 183	na
na	na	na	na	184.1	Paragraph 4 Economic and financial standing  Article 184 (1) The contracting authority has the right to ask the economic operator, participating to the award of a public procurement contract, to prove his economic and financial standing.
47.1.s1	Article 47 Economic and financial standing 1. Proof of the economic operator's economic and financial standing may, as a general rule, be furnished by one or more of the following references:	na	na	185.1.s1	Article 185 (1) Proof of the economic and financial standing may, by case, be furnished by one or more of the following references:
47.1.a	(a) appropriate statements from banks or, where appropriate, evidence of relevant professional	na	na	185.1.a	a) appropriate banking statements or where appropriate, evidence of professional risk indemnity insurance;

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	risk indemnity insurance;				
47.1.b	(b) the presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established;	na	na	185.1.b	b) balance-sheets or extracts from the balance sheets, where publication of the balance-sheet is required under the law of the country in which the tenderer/candidate is established;
47.1.c	(c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.	na	na	185.1.c	c) statements regarding the overall turnover or regarding the turnover in the activity field cover by the contract for a maximum of the last three years available, as far as the information on these turnovers is available; in this case the contracting authority has the obligation to take into consideration the date on which the economic operator was set up or started trading.
47.2	2. An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary, for example, by producing an undertaking by those entities to that effect.	54.5.1	5. Where the criteria referred to in paragraphs 1 and 2 include requirements relating to the economic and financial capacity of the economic operator, the latter may where necessary and for a particular contract rely on the capacity of other entities, whatever the legal nature of the link between itself and those entities. In this case the economic operator shall prove to the contracting entity that the necessary resources will be available to it, for example by delivering an undertaking by those	186.1-2	Article 186 (1) The economic and financial capacity of the tenderer/candidate can be supported, in order to carry out a contract, by another entity, irrespective of the legal relation between the tenderer/candidate and the respective entity. (2) When the tenderer/candidate proves his economic and financial capacity invoking the support of another entity, according to the provisions of the paragraph (1), then he has the obligation to demonstrate the support he benefits of, by



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			entities to that effect.		presenting a firm commitment of the respective entity to confirm the fact that he will put at the tenderer's/candidate's disposal the invoked financial resources. The entity that ensures the financial sustainability does not have to find itself in the situation that determines the exclusion from the awarding procedure according to the provisions of art. 180.
47.3	3. Under the same conditions, a group of economic operators as referred to in Article 4 may rely on the capacities of participants in the group or of other entities.	54.5.2	Under the same conditions, a group of economic operators as referred to in Article 11 may rely on the capacities of participants in the group or of other entities.	186.3	(3) When a group of economic operators submits a common tender/candidature, the economic and financial standing is demonstrated by taking into consideration the resources of all members of the group. In case the group benefits of the financial support of a third entity, or of some third entities, the economic and financial capacity is demonstrated under the conditions provided for by paragraph (2).
47.4	4. Contracting authorities shall specify, in the contract notice or in the invitation to tender, which reference or references mentioned in paragraph 1 they have chosen and which other references must be provided.	na	na	184.2	(2) When the contracting authority asks for the demonstration of the economic and financial standing, it has the obligation to indicate within the tender documentation, the documents by which the economic operator will prove his economic and financial standing.
47.5	5. If, for any valid reason, the economic operator is unable to provide the references requested by	na	na	185.2	(2) If for any valid reason, the economic operator is unable to provide the references requested by

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	the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate.				the contracting authority, he may prove his economic and financial standing by any other documents that can be considered appropriate by the contracting authority insofar as those reflect the real image of the economic and financial situation of the tenderer/candidate.
48.1	Technical and/or professional ability 1. The technical and/or professional abilities of the economic operators shall be assessed and examined in accordance with paragraphs 2 and 3.	na	na	187.1	Paragraph 5 Technical and/or professional ability  Article 187 (1) The contracting authority has the right to ask the economic operator who participates in the awarding procedure of the public procurement contract to prove his technical and/or professional ability.
48.2.s1	2. Evidence of the economic operators' technical abilities may be furnished by one or more of the following means according to the nature, quantity or importance, and use of the works, supplies or services:	na	na	188.1.s1, 188.2.s1 & 188.3.s1	Article 188 (1) When a procedure is applied in order to award a supply contract, the contracting authority, with a view to verify the technical and professional ability of the tenderers/candidates, has the right to ask them, depending on the nature, quantity and complexity of the products that shall be supplied and/or only if this information is relevant for carrying out the contract, the followings:  (2) When a procedure is applied in

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					<p>order to award a service contract the contracting authority, with a view to verify the technical and professional ability of tenderers/candidates, has the right to ask them, depending on the nature, volume and complexity of the services that shall be supplied and only if this information is relevant for carrying out the contract, the followings:</p> <p>(3) When a procedure is applied in order to award a works contract the contracting authority, with a view to verify the technical and/or professional ability of tenderers/candidates, has the right to ask them, depending on the nature, volume and complexity of the works that shall be supplied and only if this information is relevant for carrying out the contract, the followings:</p>
48.2.a.i	(a) (i) a list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of the works and shall specify whether they were carried out according to the rules of the trade and properly completed. Where appropriate, the competent authority shall submit these	na	na	188.3.a	a) a list of the works carried out over the past five years, confirmed by certification of satisfactory execution of the most important works, containing value, dates and site of the works, the way which in the contractual obligations were carried out, irrespective if the beneficiaries are contracting authorities or private clients.

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	certificates to the contracting authority direct;				
48.2.a.ii	<p>(ii) a list of the principal deliveries effected or the main services provided in the past three years, with the sums, dates and recipients, whether public or private, involved. Evidence of delivery and services provided shall be given:</p> <ul style="list-style-type: none"> <li>- where the recipient was a contracting authority, in the form of certificates issued or countersigned by the competent authority,</li> <li>- where the recipient was a private purchaser, by the purchaser's certification or, failing this, simply by a declaration by the economic operator;</li> </ul>	na	na	188.1.a & 188.2.a	<p>a) a list of the principal deliveries effected in the past three years containing sums, dates and beneficiaries, irrespective if those are public authorities or private clients. Evidence of deliveries shall be given by presentation of certificates issued or countersigned by an authority or by clients. In the case when the beneficiary is a private client and, due to objective motives, the economic operator does not have the possibility to obtain certificates/confirmations from this beneficiary, the evidence of the product deliveries effected is realized by a declaration of the economic operator.</p> <p>a) a list of the main services provided in the past three years containing sums, dates and beneficiaries, irrespective if those are public authorities or private clients. Evidence of services provided shall be given by presentation of certificates issued or countersigned by an authority or by private clients. In the case when the beneficiary is a private client and, due to objective motives, the economic operator does not have the possibility to obtain</p>

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					certificates/confirmations from this beneficiary, the evidence of the provided services is realized by a declaration of the economic operator.
48.2.b	(b) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;	na	na	188.1.c, 188.2.c & 188.3.b	<p>c) information regarding the staff/technical body of the tenderer/candidate or of the body whose engagement was obtained by the tenderer/candidate, particularly to ensure the quality control;</p> <p>c) information regarding the staff/technical body of the tenderer/candidate or of the body of which engagement was obtained by the tenderer/candidate, particularly to ensure the quality control;</p> <p>b) information regarding the staff/technical body of the tenderer/candidate or of the body whose engagement was obtained by the tenderer/candidate, particularly to ensure the quality of control;</p>
48.2.c	(c) a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities;	na	na	188.1.b & 188.2.b	<p>b) a declaration regarding technical equipments and measures used to ensure quality, as well as, if it is the case, study resources and research facilities;</p> <p>b) a declaration regarding technical equipments and measures used to ensure quality, as well as, if it is the case, study resources and research</p>

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					facilities;
48.2.d	(d) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, if necessary, on the means of study and research which are available to it and the quality control measures it will operate;	na	na	189	Article 189 In case the products that shall be supplied or the services that shall be provided, have a complex character or there are for a specific purpose, the contracting authority has the right to verify, directly or through a competent authority in the country where the economic operator is established, subject to that body's agreement, the production capacities of the supplier or the technical capacity of the provider, the methods used for studies and researches, as well as the measures applied for quality control.
48.2.e	(e) the educational and professional qualifications of the service provider or contractor and/or those of the undertaking's managerial staff and, in particular, those of the person or persons responsible for providing the services or managing the work;	na	na	188.2.d & 188.3.c	d) information regarding the education, professional experience and the qualification of the managerial staff and also of the persons responsible for managing the services contract;  c) information regarding the education, professional experience and the qualification of the managerial staff and also of the persons responsible for managing the works contract;
48.2.f	(f) for public works contracts and public services contracts, and only in appropriate cases, an indication of the environmental management	na	na	188.2.f & 188.2.e	f) if it is the case, information regarding the environmental management measures that the economic operator will be able to

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	measures that the economic operator will be able to apply when performing the contract;				apply when performing the contract;  e) if it is the case, information regarding of the environmental management measures that the economic operator will be able to apply when performing the contract;
48.2.g	(g) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last three years;	na	na	188.2.e & 188.3.d	e) a declaration regarding the average annual manpower of the service provider and the number of managerial staff for the last three years;  d) a declaration regarding the average annual manpower and the number of managerial staff for the last three years;
48.2.h	(h) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;	na	na	188.2.g & 1883.f	g) information regarding the tools, plants or technical equipments available to the service provider for carrying out the contract;  f) a declaration regarding the tools, plants or technical equipments available to contractor for carrying out the works contract;
48.2.i	(i) an indication of the proportion of the contract which the services provider intends possibly to subcontract;	na	na	188.2.h & 188.3.g (amended by L337/2006, point 28)	h) information regarding the proportion of the contract which the services provider intends possibly to subcontract;  g) <i>information regarding the share/shares of the contract that shall be submitted by the subcontractors</i>

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					<i>and their specialization.</i>
48.2.j.i	(j) with regard to the products to be supplied: (i) samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests;	na	na	188.1.e	e) samples, descriptions and/or photos, the authenticity of which shall be demonstrated in case the contracting authority requires it.
48.2.j.ii	(ii) certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to specifications or standards.	na	na	188.1.d	d) certificates drawn up by authorized institutions attesting the conformity of products clearly identified by reference to the relevant specifications or standards.
48.3	3. An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the execution of the contract, for example, by producing an undertaking by those entities to place the necessary resources at the disposal of the economic operator.	54.6.1	6. Where the criteria referred to in paragraphs 1 and 2 include requirements relating to the technical and/or professional abilities of the economic operator, the latter may where necessary and for a particular contract rely on the abilities of other entities, whatever the legal nature of the link between itself and those entities. In this case the economic operator must prove to the contracting entity that for the performance of the contract those resources will be available to it, for example by delivering an undertaking by those entities to make the necessary resources available to the economic operator.	190.1-2 (amended by L337/2006, point 29)	Article 190 (1) The technical and professional ability of a tenderer/candidate may be supported, in order to carry out a contract, also by another entity, irrespective of the legal relations between the tenderer/candidate and respective entity. (2) <i>In the case when the tenderer/candidate proves his technical and professional ability invoking the support of another person, according to provisions of paragraph (1), then he has the obligation to prove the support he benefits of, as a rule by presenting a firm engagement by which the respective person confirms the fact that will put to the tenderer/candidate disposal the invoked technical and/or professional resources. The person</i>



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					<i>that ensures the technical sustainability does not have to find itself in the situation that determines the exclusion from the awarding procedure according to the provisions of art. 180 and of art.181.</i>
48.4	4. Under the same conditions a group of economic operators as referred to Article 4 may rely on the abilities of participants in the group or in other entities.	54.6.2	Under the same conditions, a group of economic operators as referred to in Article 11 may rely on the abilities of participants in the group or of other entities.	190.3	(3) When a group of economic operators submits a common tender/candidature, the technical and professional ability is demonstrated by taking into consideration the resources of all members of the group. In case the group benefits of the technical and professional support of a third entity, or of some third entities, the technical and professional ability is demonstrated under conditions provided for by paragraph (2).
48.5	5. In procedures for awarding public contracts having as their object supplies requiring siting or installation work, the provision of services and/or the execution of works, the ability of economic operators to provide the service or to execute the installation or the work may be evaluated in particular with regard to their skills, efficiency, experience and reliability.	na	na	187.3	(3) The technical and/or professional ability of a tenderer/candidate is estimated depending on his experience, abilities and efficiency, as a result of the evaluation of the information presented during the awarding procedure.
48.6	6. The contracting authority shall specify, in the notice or in the invitation to tender, which references under paragraph 2 it	na	na	187.2	(2) When the contracting authority asks for the demonstration of the technical and/or professional ability, it has the obligation to indicate within

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	wishes to receive.				the tender documentation the references by which the economic operators will prove their technical and/or professional ability.
49.s1	Article 49 Quality assurance standards Should they require the production of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain quality assurance standards, contracting authorities shall refer to quality assurance systems based on the relevant European standards series certified by bodies conforming to the European standards series concerning certification.	na	na	191	Paragraph 6 Quality assurance standards  Article 191 When the presentation of certificates drawn up by independent bodies, attesting the compliance of the economic operator with certain quality assurance standards is required, then the contracting authority shall refer to quality assurance systems based on the relevant European standards series certified by bodies in conformity with the European standards series concerning certification.
49.s2	They shall recognise equivalent certificates from bodies established in other Member States.	na	na	192	Article 192 According to mutual recognition principle, the contracting authority has the obligation to accept equivalent certificates issued by bodies established in Member States of the European Union.
49.s3	They shall also accept other evidence of equivalent quality assurance measures from economic operators.	Na	na	193	Article 193 When the economic operator doesn't have a quality certificate as it is requested, the contracting authority has the obligation to accept any other evidences presented by the economic operator insofar the presented

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					evidences confirm the assurance of an appropriate level of quality.
50.s1	<p>Article 50 Environmental management standards Should contracting authorities, in the cases referred to in Article 48(2)(f), require the production of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain environmental management standards, they shall refer to the Community Eco-Management and Audit Scheme (EMAS) or to environmental management standards based on the relevant European or international standards certified by bodies conforming to Community law or the relevant European or international standards concerning certification.</p>	52.3.1	<p>3. For works and service contracts, and only in appropriate cases, the contracting entities may require, in order to verify the economic operator's technical abilities, an indication of the environmental management measures which the economic operator will be able to apply when carrying out the contract. In such cases, should the contracting entities require the production of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain environmental management standards, they shall refer to the EMAS or to environmental management standards based on the relevant European or international standards certified by bodies conforming to Community law or the relevant European or international standards concerning certification.</p>	194	<p>Paragraph 7 Environmental management standards</p> <p>Article 194 When it is required to demonstrate the measures provided for by Article 188, paragraph (2), letter f) and paragraph (3) letter e) are carried out by presenting some certificates drawn up by independent bodies attesting that the economic operator observes certain environmental protection standards, then the contracting authority shall refer: a) either to the Community Eco-Management and Audit Scheme (EMAS); b) or to the environmental protection standards based on the relevant European or international standards certified by bodies in conformity with the Community law or the relevant European or international standards concerning certification.</p>
50.s2	<p>They shall recognise equivalent certificates from bodies established in other Member States.</p>	52.3.2.s1	<p>Contracting entities shall recognise equivalent certificates from bodies established in other Member States.</p>	195	<p>Article 195 According to mutual recognition principle, the contracting authority has the obligation to accept equivalent certificates issued by bodies established in Member States of the European Union.</p>

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50.s3	They shall also accept other evidence of equivalent environmental management measures from economic operators.	52.3.2.s2	They shall also accept other evidence of equivalent environmental management measures from economic operators.	196	Article 196 When the economic operator doesn't have an environmental management certificate as it is requested, the contracting authority has the obligation to accept any other evidences presented by the economic operator, insofar the presented evidences confirm the assurance of an appropriate level of environment protection.
51	Article 51 Additional documentation and information The contracting authority may invite economic operators to supplement or clarify the certificates and documents submitted pursuant to Articles 45 to 50.	na	na	201.1	Article 201 (1) During the application of the awarding procedure, the contracting authority has the right to require clarifications and, by case, completions to the documents presented by tenderers/candidates, in order to demonstrate the accomplishment of the requirements established by the selection and the qualification criteria and/or the conformity of the tender with the requirements.
na	na	52.1	Mutual recognition concerning administrative, technical or financial conditions, and certificates, tests and evidence 1. When selecting participants for a restricted or negotiated procedure, in reaching their decision as to qualification or when the criteria and rules are being updated, contracting entities shall	201.2	(2) The contracting authority doesn't have the right to create an advantage in favour of a tenderer by using the required clarifications/completions.

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			not: (a) impose administrative, technical or financial conditions on certain economic operators which would not be imposed on others; (b) require tests or evidence which would duplicate objective evidence already available.		
52.1	<p>Article 52 Official lists of approved economic operators and certification by bodies established under public or private law</p> <p>1. Member States may introduce either official lists of approved contractors, suppliers or service providers or certification by certification bodies established in public or private law.</p> <p>Member States shall adapt the conditions for registration on these lists and for the issue of certificates by certification bodies to the provisions of Article 45(1), Article 45(2)(a) to (d) and (g), Articles 46, Article 47(1), (4) and (5), Article 48(1), (2), (5) and (6), Article 49 and, where appropriate, Article 50.</p> <p>Member States shall also adapt them to Article 47(2) and Article 48(3) as regards applications for registration submitted by economic operators belonging to a group and claiming resources made available</p>	na	na	177.3.s1	(3) The Government has the right to set-up, by government decision, the certification modalities or inclusion on official lists, at national level, of the economic operators that opt for such certification system.

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	to them by the other companies in the group. In such case, these operators must prove to the authority establishing the official list that they will have these resources at their disposal throughout the period of validity of the certificate attesting to their being registered in the official list and that throughout the same period these companies continue to fulfil the qualitative selection requirements laid down in the Articles referred to in the second subparagraph on which operators rely for their registration.				
52.2	2. Economic operators registered on the official lists or having a certificate may, for each contract, submit to the contracting authority a certificate of registration issued by the competent authority or the certificate issued by the competent certification body. The certificates shall state the references which enabled them to be registered in the list/to obtain certification and the classification given in that list.	na	na	177.1.p1	Article 177 (1) The economic operators have the right to present certificates issued by a competent public authority or by a body of public or private law .....
52.3	3. Certified registration on official lists by the competent bodies or a certificate issued by the certification body shall not, for the purposes of the contracting authorities of other Member States, constitute a	na	na	177.1.p3	..... in order to demonstrate the fulfilment of the qualification and selection criteria provided by art. 176.

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	presumption of suitability except as regards Articles 45(1) and (2)(a) to (d) and (g), Article 46, Article 47(1)(b) and (c), and Article 48(2)(a)(i), (b), (e), (g) and (h) in the case of contractors, (2)(a)(ii), (b), (c), (d) and (j) in the case of suppliers and 2(a)(ii) and (c) to (i) in the case of service providers.				
52.4	<p>4. Information which can be deduced from registration on official lists or certification may not be questioned without justification. With regard to the payment of social security contributions and taxes, an additional certificate may be required of any registered economic operator whenever a contract is offered.</p> <p>The contracting authorities of other Member States shall apply paragraph 3 and the first subparagraph of this paragraph only in favour of economic operators established in the Member State holding the official list.</p>	na	na	177.4 (amended by L337/2006, point 26)	<i>(4) In case of using the official lists of the appointed economic operators, the contracting authorities shall request additional documents by which the fulfilment of the obligations relating to the payment of taxes to the state as well as the obligations relating to the payment of social security contributions, in accordance with the legal provisions, is attested.</i>
52.5	5. For any registration of economic operators of other Member States in an official list or for their certification by the bodies referred to in paragraph 1, no further proof or statements can be required other			177.2	(2) The contracting authority does not have the right to impose to the candidates/tenderers the obligation to present a specific certification, the latter ones having the right to present, in order to fulfil certain requests, any

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	<p>than those requested of national economic operators and, in any event, only those provided for under Articles 45 to 49 and, where appropriate, Article 50.</p> <p>However, economic operators from other Member States may not be obliged to undergo such registration or certification in order to participate in a public contract. The contracting authorities shall recognise equivalent certificates from bodies established in other Member States. They shall also accept other equivalent means of proof.</p>				<p>other equivalent documents with such a certification or by which they can prove, conclusively, the fulfilment of the respective request. The contracting authority has the right to invite the economic operators to clarify or supplement the documents received.</p>
52.6	<p>6. Economic operators may ask at any time to be registered in an official list or for a certificate to be issued. They must be informed within a reasonably short period of time of the decision of the authority drawing up the list or of the competent certification body.</p>	na	na	na	na
52.7	<p>7. The certification bodies referred to in paragraph 1 shall be bodies complying with European certification standards.</p>	na	na	177.3.s1.p 2	<p>..... that respects the European certification standards .....</p>
52.8	<p>8. Member States which have official lists or certification bodies as referred to in paragraph 1 shall be obliged to inform the Commission and the other Member States of the address of the body to which</p>	na	na	177.3.s2	<p>In this case, the National Authority for Regulating and Monitoring the Public Procurement shall inform the European Commission thereof.</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	applications should be sent.				
na	na	53.1	<p>Article 53</p> <p>Qualification systems</p> <p>1. Contracting entities which so wish may establish and operate a system of qualification of economic operators.</p> <p>Contracting entities which establish or operate a system of qualification shall ensure that economic operators are at all times able to request qualification.</p>	na	na
na	na	53.2	<p>2. The system under paragraph 1 may involve different qualification stages.</p> <p>It shall be operated on the basis of objective criteria and rules for qualification to be established by the contracting entity.</p> <p>Where those criteria and rules include technical specifications, the provisions of Article 34 shall apply. The criteria and rules may be updated as required.</p>	na	na
na	na	53.3	<p>3. The criteria and rules for qualification referred to in paragraph 2 may include the exclusion criteria listed in Article 45 of Directive 2004/18/EC on the terms and conditions set out therein.</p> <p>Where the contracting entity is a contracting authority within the meaning of Article 2(1)(a), those</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			criteria and rules shall include the exclusion criteria listed in Article 45(1) of Directive 2004/18/EC.		
na	na	53.4	<p>4. Where the criteria and rules for qualification referred to in paragraph 2 include requirements relating to the economic and financial capacity of the economic operator, the latter may where necessary rely on the capacity of other entities, whatever the legal nature of the link between itself and those entities. In this case the economic operator must prove to the contracting entity that these resources will be available to it throughout the period of the validity of the qualification system, for example by producing an undertaking by those entities to that effect.</p> <p>Under the same conditions, a group of economic operators as referred to in Article 11 may rely on the capacity of participants in the group or of other entities.</p>	na	na
na	na	53.5	<p>5. Where the criteria and rules for qualification referred to in paragraph 2 include requirements relating to the technical and/or professional abilities of the economic operator, the latter may where necessary rely on the capacity of other entities, whatever</p>	na	na

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			<p>the legal nature of the link between itself and those entities. In this case the economic operator must prove to the contracting entity that those resources will be available to it throughout the period of the validity of the qualification system, for example by producing an undertaking by those entities to make the necessary resources available to the economic operator.</p> <p>Under the same conditions, a group of economic operators referred to in Article 11 may rely on the abilities of participants in the group or of other entities.</p>		
na	na	53.6	<p>6. The criteria and rules for qualification referred to in paragraph 2 shall be made available to economic operators on request. The updating of these criteria and rules shall be communicated to interested economic operators.</p> <p>Where a contracting entity considers that the qualification system of certain other entities or bodies meets its requirements, it shall communicate to interested economic operators the names of such other entities or bodies.</p>	na	na
na	na	53.7	<p>7. A written record of qualified economic operators shall be kept; it may be divided into categories</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			according to the type of contract for which the qualification is valid.		
na	na	53.8	8. When establishing or operating a qualification system, contracting entities shall in particular observe the provisions of Article 41(3) concerning notices on the existence of a system of qualification, of Article 49(3), (4) and (5) concerning the information to be delivered to economic operators having applied for qualification, of Article 51(2) concerning the selection of participants when a call for competition is made by means of a notice on the existence of a qualification system as well as the provisions of Article 52 on mutual recognition concerning administrative, technical or financial conditions, certificates, tests and evidence.	na	na
na	na	53.9	9. When a call for competition is made by means of a notice on the existence of a qualification system, tenderers in a restricted procedure or participants in a negotiated procedure shall be selected from the qualified candidates in accordance with such a system.	na	na
53.1.a.p1	Section 3 Award of the contract  Article 53	55.1.a.p1	Section 2 Award of the contract  Article 55	198.1.a	Article 198 (1) Without prejudice to provisions of normative and administrative acts regarding the remuneration of certain

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>Contract award criteria</p> <p>1. Without prejudice to national laws, regulations or administrative provisions concerning the remuneration of certain services, the criteria on which the contracting authorities shall base the award of public contracts shall be either:</p> <p>(a) when the award is made to the tender most economically advantageous from the point of view of the contracting authority, .....</p>		<p>Contract award criteria</p> <p>1. Without prejudice to national laws, regulations or administrative provisions on the remuneration of certain services, the criteria on which the contracting entities shall base the award of contracts shall:</p> <p>(a) where the contract is awarded on the basis of the most economically advantageous tender from the point of view of the contracting entity, .....</p>		<p>services, the public procurement contract awarding criterion, may be only:</p> <p>a) either the most advantageous tender from the technical-economic point of view;</p>
na	na	na	na	17	<p>Chapter II</p> <p>Commons rules applicable to the award of the public procurement contract</p> <p>Section 1</p> <p>General Rules</p> <p>Article 17</p> <p>The contracting authority has the obligation to respect the principles provided for by art. 2 paragraph (2) in relation with the economic operators which are interested to participate to an awarding procedure.</p>
53.1.a.p2	<p>..... Section 3</p> <p>Award of the contract</p> <p>Article 53</p> <p>Contract award criteria</p> <p>1. Without prejudice to national laws, regulations or administrative</p>	55.1.a.p2	<p>..... be various criteria linked to the subject-matter of the contract in question, such as delivery or completion date, running costs, cost-effectiveness, quality, aesthetic and functional characteristics, environmental characteristics,</p>	199.1-2	<p>Article 199</p> <p>(1) In case the "most advantageous tender from the technical-economic point of view" criterion is applied the winning tender is one who receives the highest score when applying a system of various criteria for which</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>provisions concerning the remuneration of certain services, the criteria on which the contracting authorities shall base the award of public contracts shall be either:</p> <p>(a) when the award is made to the tender most economically advantageous from the point of view of the contracting authority,</p>		<p>technical merit, after-sales service and technical assistance, commitments with regard to parts, security of supply, and price or otherwise</p>		<p>are established relative weights or a specific calculation algorithm. In case where, for justified reasons, it is not possible to establish the relative weighting for each of the criteria, the contracting authority has the obligation to specify in the contract notice or in tender documentation at least the descending order of importance of the criteria that will be used.</p> <p>(2) The various criteria provided for by paragraph (1) that can be taken into account, could be price, characteristics of the quality level, technical level or functional level, environmental characteristics, running costs, cost-effectiveness rapport, post-sale services and technical assistance, delivery date or execution date, other significant elements for the evaluation of the tenders.</p>
53.1.b	(b) the lowest price only.	55.1.b	(b) the lowest price only.	198.1.b	b) or only the lowest price.
na	na	na	na	197	<p>Section 3</p> <p>The awarding criteria of the public procurement contract</p> <p>Article 197</p> <p>The contracting authority shall specify in the participation notice the contract awarding criterion, that once established cannot be changed for the entire period of the awarding procedure.</p>

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53.2	<p>2. Without prejudice to the provisions of the third subparagraph, in the case referred to in paragraph 1(a) the contracting authority shall specify in the contract notice or in the contract documents or, in the case of a competitive dialogue, in the descriptive document, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.</p> <p>Those weightings can be expressed by providing for a range with an appropriate maximum spread.</p> <p>Where, in the opinion of the contracting authority, weighting is not possible for demonstrable reasons, the contracting authority shall indicate in the contract notice or contract documents or, in the case of a competitive dialogue, in the descriptive document, the criteria in descending order of importance.</p>	55.2	<p>2. Without prejudice to the provisions of the third subparagraph, in the case referred to in paragraph 1(a), the contracting entity shall specify the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.</p> <p>Those weightings can be expressed by providing for a range with an appropriate maximum spread.</p> <p>Where, in the opinion of the contracting entity, weighting is not possible for demonstrable reasons, the contracting entity shall indicate the criteria in descending order of importance.</p> <p>The relative weighting or order of importance shall be specified, as appropriate, in the notice used as a means of calling for competition, in the invitation to confirm the interest referred to in Article 47(5), in the invitation to tender or to negotiate, or in the specifications.</p>	199.3	<p>(3) The evaluation factors of the tender, as well as their relative weight or their system of determination shall be clearly defined in the tender documentation, shall be concretely related to the specificity of the contract and, after they were established, they cannot be changed for the entire period of the awarding procedure.</p>
na	na	na	na	(Article 13-15 of GD-925/2006)	<p>SECTION 2 Establishment of the awarding criteria</p> <p>Article 13 (1) If the awarding criterion is “the lowest price”, determining the winning</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>tender, according to article 198, paragraph (1), letter b) of the emergency ordinance, the establishing of the wining tender will be performed only by comparing the prices presented in the admissible tenders, without quantifying other elements of technical nature or other advantages that might result from the proposed method of performing the contract by the economic operators taking part in the awarding procedure.</p> <p>(2) The tender that is declared the wining one in this case must fulfil the minimum technical specification considered mandatory, as these were established in the terms of reference.</p> <p>Article 14</p> <p>(1) If the awarding criterion is “the tender most economically advantageous”, according to article 198, paragraph (1), letter a) of emergency ordinance, determining of the wining tender is performed by applying a system of evaluation factors for which relative percentages or a specific calculation algorithm will be established.</p> <p>(2) The calculation algorithm as well as the evaluation factors of the tenders that will be taken into account when applying “the tender most economically advantageous” are</p>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>clearly and in detail specified within the awarding documentation and will reflect the strict methodology of scoring the advantages that result from the technical and financial propositions presented by the tenderers.</p> <p>Article 15                      (1) The contracting authority does not have the right to use the qualification criteria as assessment factors of the tenders. By exception, when the object of the contract includes intellectual services as consultancy, designing or other the same, the assessment factors of the tenders can refer to experience and/or professional acknowledge of the specialized personnel/experts that will be essential in fulfilling the contract.</p> <p>(2) When setting the assessing criteria, the contracting authority does not have the right to use criteria that:</p> <ul style="list-style-type: none"> <li>a) are not directly related with the nature and object of the public procurement contract that is to be awarded;</li> <li>b) do not reflect a real and obvious advantage that the contracting authority can obtain by using that particular criterion.</li> </ul> <p>(3) The weight established for each</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>criterion should not distort the result of the awarding procedure for the public procurement contract. For each criterion the contracting authority has the obligation to set a weight that will fairly reflect:</p> <ul style="list-style-type: none"> <li>a) the importance of the technical/ functional characteristics considered to represent a qualitative advantage that can be supplementary scored, or</li> <li>b) the amount of the financial advantages that the tenderers can offer by assuming supplementary commitments in relation with the minimum requirements stipulated in the term of reference.</li> </ul> <p>(4) When setting the assessing criteria, the contracting authority must be able to explain the way in which the weight of each evaluation factor was set. To this end, an explanatory note will be drawn up that will be attached to the public procurement file.</p>
54.1-2.1	<p>Article 54 Use of electronic auctions 1. Member States may provide that contracting authorities may use electronic auctions. 2. In open, restricted or negotiated procedures in the case referred to in Article 30(1)(a), the contracting authorities may decide that the award of a public contract</p>	56.1-2.1	<p>Article 56 Use of electronic auctions 1. Member States may provide that contracting entities may use electronic auctions. 2. In open, restricted or negotiated procedures with a prior call for competition, the contracting entities may decide that the award of a contract shall be preceded by</p>	161.1.a	<p>Section 3 Electronic auction</p> <p>Article 161 (1) The contracting authority has the right to use the electronic auction in the following situations:</p> <ul style="list-style-type: none"> <li>a) as the final phase of the open procedure, of the restricted procedure, of the negotiation with</li> </ul>

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	shall be preceded by an electronic auction when the contract specifications can be established with precision.		an electronic auction when the contract specifications can be established with precision.		publication participation notice applied in cases provided for by Article 110, letter a) or of the request for tenders, before the award of the public procurement contract and only if the technical specifications have been precisely defined in the terms of reference.
54.2.2	In the same circumstances, an electronic auction may be held on the reopening of competition among the parties to a framework agreement as provided for in the second indent of the second subparagraph of Article 32(4) and on the opening for competition of contracts to be awarded under the dynamic purchasing system referred to in Article 33.	56.2.2	In the same circumstances, an electronic auction may be held on the opening for competition of contracts to be awarded under the dynamic purchasing system referred to in Article 15.	161.1.b-c	b) on the reopening of the competition among the parties to a framework agreement under the conditions provided for by art 149, paragraph (4) and art. 150. c) on the reopening of competition for the public procurement contract to be awarded under the dynamic purchasing system.
54.2.3	The electronic auction shall be based: - either solely on prices when the contract is awarded to the lowest price, - or on prices and/or on the new values of the features of the tenders indicated in the specification when the contract is awarded to the most economically advantageous tender.	56.2.3	The electronic auction shall be based: (a) either solely on prices when the contract is awarded to the lowest price, (b) or on prices and/or on the new values of the features of the tenders indicated in the specification, when the contract is awarded to the most economically advantageous tender.	167.1	Article 167 (1) Within the electronic auction, the repetitive tendering process refers to: a) either, only to prices, when the awarding criterion is the lowest price; b) or, to prices and/or on the new values of the features of the tenders indicated in the tender documentation, when the awarding criterion is the most advantageous tender from the economic point of view.
54.3.1	3. Contracting authorities which decide to hold an electronic auction shall state that fact in the contract	56.3.1	3. Contracting entities which decide to hold an electronic auction shall state that fact in the notice used as	161.2	(2) The contracting authority has the obligation to state the decision of using the electronic auction in the

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	notice.		a means of calling for competition.		notice for participation and in the tender documentation.
54.3.2.s1	The specifications shall include, inter alia, the following details:	56.3.2.s1	The specifications shall include, inter alia, the following details:	164.s1	Article 164 When the contracting authority intends to apply the electronic auction, it has the obligation to include within the information and instructions provided for by Article 33, the followings:
54.3.2.a	(a) the features, the values for which will be the subject of electronic auction, provided that such features are quantifiable and can be expressed in figures or percentages;	56.3.2.a	(a) the features whose values will be the subject of electronic auction, provided that such features are quantifiable and can be expressed in figures or percentages;	164.a	(a) the features of the tender which will be the subject of repetitive tendering process, provided that such features are quantifiable and can be expressed in figures or percentages;
54.3.2.b	(b) any limits on the values which may be submitted, as they result from the specifications relating to the subject of the contract;	56.3.2.b	(b) any limits on the values which may be submitted, as they result from the specifications relating to the subject of the contract;	164.b	(b) any limits on the values till which the features provided for by letter a) can be improved, as they result from the specification relating to the subject of the contract;
54.3.2.c	(c) the information which will be made available to tenderers in the course of the electronic auction and, where appropriate, when it will be made available to them;	56.3.2.c	(c) the information which will be made available to tenderers in the course of the electronic auction and, where appropriate, when it will be made available to them;	164.c	(c) the information which will be made available to tenderers in the course of the electronic auction and, the moment when these information will be made available to them;
54.3.2.d	(d) the relevant information concerning the electronic auction process;	56.3.2.d	(d) the relevant information concerning the electronic auction process;	164.d	(d) the relevant information concerning the electronic auction process;
54.3.2.e	(e) the conditions under which the tenderers will be able to bid and, in particular, the minimum differences which will, where appropriate, be required when bidding;	56.3.2.e	(e) the conditions under which the tenderers will be able to bid and, in particular, the minimum differences which will, where appropriate, be required when bidding;	164.e	(e) the conditions under which the tenderers will be able to bid and, in particular, the minimum differences which, where appropriate, will be required when bidding;
54.3.2.f	(f) the relevant information	56.3.2.f	(f) the relevant information	164.f	(f) the relevant information concerning

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	concerning the electronic equipment used and the arrangements and technical specifications for connection.		concerning the electronic equipment used and the arrangements and technical specifications for connection.		the electronic equipment used and the arrangements and technical specifications for connection.
54.4.1	4. Before proceeding with an electronic auction, contracting authorities shall make a full initial evaluation of the tenders in accordance with the award criterion/criteria set and with the weighting fixed for them.	56.4.1	4. Before proceeding with the electronic auction, contracting entities shall make a full initial evaluation of the tenders in accordance with the award criterion/criteria set and with the weighting fixed for them.	165.1	Article 165 (1) Before proceeding with an electronic auction, the contracting authority has the obligation to make a full initial evaluation of the tenders in accordance with the requirements provided for by the terms of reference and with the awarding criterion set within the tender documentation.
54.4.2.s1	All tenderers who have submitted admissible tenders shall be invited simultaneously by electronic means to submit new prices and/or new values; the invitation shall contain all relevant information concerning individual connection to the electronic equipment being used and shall state the date and time of the start of the electronic auction.	56.4.2.s1	All tenderers who have submitted admissible tenders shall be invited simultaneously by electronic means to submit new prices and/or new values; the invitation shall contain all relevant information concerning individual connection to the electronic equipment being used and shall state the date and time of the start of the electronic auction.	165.2-3	(2) The contracting authority has the obligation to invite all tenderers who have submitted admissible tenders to submit new prices and/or new values of the tender's features. The invitation is simultaneously submitted by electronic means to all those tenderers. (3) The invitation shall specify the starting date and time of the electronic auction and any relevant information concerning individual connection to the electronic equipment used.
54.4.2.s2	The electronic auction may take place in a number of successive phases.	56.4.2.s2	The electronic auction may take place in a number of successive phases.	167.2	(2) The electronic auction takes place in several successive rounds.
54.4.2.s3	The electronic auction may not start sooner than two working days after the date on which invitations are sent out.	56.4.2.s3	The electronic auction may not start sooner than two working days after the date on which invitations are sent out.	165.4	(4) The electronic auction may not start sooner than two working days after the date on which invitations are sent out.

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54.5	<p>5. When the contract is to be awarded on the basis of the most economically advantageous tender, the invitation shall be accompanied by the outcome of a full evaluation of the relevant tenderer, carried out in accordance with the weighting provided for in the first subparagraph of Article 53(2).</p> <p>The invitation shall also state the mathematical formula to be used in the electronic auction to determine automatic rerankings on the basis of the new prices and/or new values submitted. That formula shall incorporate the weighting of all the criteria fixed to determine the most economically advantageous tender, as indicated in the contract notice or in the specifications; for that purpose, any ranges shall, however, be reduced beforehand to a specified value.</p> <p>Where variants are authorised, a separate formula shall be provided for each variant.</p>	56.5	<p>5. When the contract is to be awarded on the basis of the most economically advantageous tender, the invitation shall be accompanied by the outcome of a full evaluation of the relevant tender carried out in accordance with the weighting provided for in the first subparagraph of <a href="#">Article 55(2)</a>.</p> <p>The invitation shall also state the mathematical formula to be used in the electronic auction to determine automatic rerankings on the basis of the new prices and/or new values submitted. That formula shall incorporate the weighting of all the criteria established to determine the most economically advantageous tender, as indicated in the notice used as a means of calling for competition or in the specifications; for that purpose, any ranges shall, however, be reduced beforehand to a specified value.</p> <p>Where variants are authorised, a separate formula shall be provided for each variant.</p>	166	<p>Article 166</p> <p>In case the contract is awarded on the basis of the most advantageous tender from the technical-economic point of view, the invitation provided for by Article 165, paragraph (3) shall also contain information regarding:</p> <p>a) the result of the first evaluation of the tender submitted by the receiver tenderer;</p> <p>b) the mathematical formula to be used in the electronic auction to determine automatic rerankings on the basis of the new prices and/or on the new values submitted by the tenderers. That mathematical formula incorporates the weighting of the criteria fixed to determine the most advantageous tender from the economic point of view, according to the indications provided in the participation notice or in tender documentation.</p>
54.6	<p>6. Throughout each phase of an electronic auction the contracting authorities shall instantaneously communicate to all tenderers at least sufficient information to enable them to ascertain their relative rankings at any moment. They may</p>	56.6	<p>6. Throughout each phase of an electronic auction the contracting entities shall instantaneously communicate to all tenderers sufficient information to enable them to ascertain their relative rankings at any moment. They may</p>	168	<p>Article 168</p> <p>(1) During every round of the electronic auction, the contracting authority has the obligation to instantly communicate to all the tenderers, at least the information needed, in order to determine, at any</p>

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	also communicate other information concerning other prices or values submitted, provided that that is stated in the specifications. They may also at any time announce the number of participants in that phase of the auction. In no case, however, may they disclose the identities of the tenderers during any phase of an electronic auction.		also communicate other information concerning other prices or values submitted, provided that that is stated in the specifications. They may also at any time announce the number of participants in that phase of the auction. In no case, however, may they disclose the identities of the tenderers during any phase of an electronic auction.		time, the position that they have in the rank. The contracting authority has the right to communicate other information regarding: a) the number of the participants in the respective round of the electronic auction; b) new prices or values submitted within the auction round by other tenderers, only if the tender documentation provides for such an option. (2) During the performance of the rounds of electronic auction, the contracting authority doesn't have the right to disclose the identity of the tenderers.
54.7.s1	7. Contracting authorities shall close an electronic auction in one or more of the following manners:	56.7.s1	7. Contracting entities shall close an electronic auction in one or more of the following manners:	169.1.s1	Article 169 (1) The electronic auction is closed by one, or by a combination of the following modalities:
54.7.a	(a) in the invitation to take part in the auction they shall indicate the date and time fixed in advance;	56.7.a	(a) in the invitation to take part in the auction they shall indicate the date and time fixed in advance;	169.1.a	a) at a certain moment fixed in advance that was communicated to the tenderers within a participation invitation;
54.7.b	(b) when they receive no more new prices or new values which meet the requirements concerning minimum differences. In that event, the contracting authorities shall state in the invitation to take part in the auction the time which they will allow to elapse after receiving the last submission before they close	56.7.b	(b) when they receive no more new prices or new values which meet the requirements concerning minimum differences. In that event, the contracting entities shall state in the invitation to take part in the auction the time which they will allow to elapse after receiving the last submission before they close	169.1.c	c) when they no longer receive new prices or new values which meet the requirements concerning the minimum differences; in that event, the contracting authority shall state in the invitation to take part in the auction the time, which they will allow to elapse after receiving the last submission before they close the

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	the electronic auction;		the electronic auction;		electronic auction.
54.7.c	<p>(c) when the number of phases in the auction, fixed in the invitation to take part in the auction, has been completed.</p> <p>When the contracting authorities have decided to close an electronic auction in accordance with subparagraph (c), possibly in combination with the arrangements laid down in subparagraph (b), the invitation to take part in the auction shall indicate the timetable for each phase of the auction.</p>	56.7.c	<p>(c) when the number of phases in the auction, fixed in the invitation to take part in the auction, has been completed.</p> <p>When the contracting entities have decided to close an electronic auction in accordance with subparagraph (c), possibly in combination with the arrangements laid down in subparagraph (b), the invitation to take part in the auction shall indicate the timetable for each phase of the auction.</p>	169.1.b	b) when the number of auction rounds, set in the invitation to take part in the auction, has been completed; the invitation shall indicate also the timetable for each round.
54.8.1	Contracting authorities may not have improper recourse to electronic auctions nor may they use them in such a way as to prevent, restrict or distort competition or to change the subject-matter of the contract, as put up for tender in the published contract notice and defined in the specification.	56.8	8. After closing an electronic auction the contracting entities shall award the contract in accordance with <a href="#">Article 55</a> on the basis of the results of the electronic auction.		(2) The contracting authority has the obligation to award the contract in accordance with art. 200, on the basis of the results obtained after closing the electronic auction.
54.8.2	8. After closing an electronic auction contracting authorities shall award the contract in accordance with Article 53 on the basis of the results of the electronic auction.	56.9	9. Contracting entities may not have improper recourse to electronic auctions nor may they use them in such a way as to prevent, restrict or distort competition or to change the subject-matter of the contract, as defined in the notice used as a means of calling for competition and in the specification.	162	<p>Article 162</p> <p>The contracting authority does not have the right to abusively or improperly use the electronic auction as such as to:</p> <p>a) to prevent, to restrict or to distort the competition;</p> <p>b) to modify the object of the public procurement contract as it was provided in the participation notice</p>



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					and in the tender documentation.
55.1.1	Article 55 Abnormally low tenders 1. If, for a given contract, tenders appear to be abnormally low in relation to the goods, works or services, the contracting authority shall, before it may reject those tenders, request in writing details of the constituent elements of the tender which it considers relevant.	57.1.1	Article 57 Abnormally low tenders 1. If, for a given contract, tenders appear to be abnormally low in relation to the goods, works or services, the contracting entity shall, before it may reject those tenders, request in writing details of the constituent elements of the tender which it considers relevant.	202.1	Article 202 (1) When a tender has a price which appears to be abnormally low in relation with the goods, works or services that shall be provided, the contracting authority has the obligation to request the tenderer in writing and before taking a decision regarding the rejection of the tender, details of the tender which it considers relevant, as well as to verify the evidence supplied in order to justify the respective price.
55.1.2.s1	Those details may relate in particular to:	57.1.2.s1	Those details may relate in particular to:	201.2.s1	(2) The contracting authority must take into account the evidence supplied from the tenderer under the provisions of the paragraph (1), especially those referring to:
55.1.2.a	(a) the economics of the construction method, the manufacturing process or the services provided;	57.1.2.a	(a) the economics of the manufacturing process, of the services provided and of the construction method;	201.2.a	(a) the economic foundation of the formation of the price afferent to the utilized execution methods, the production process or the provided services;
55.1.2.b	(b) the technical solutions chosen and/or any exceptionally favourable conditions available to the tenderer for the execution of the work, for the supply of the goods or services;	57.1.2.b	(b) the technical solutions chosen and/or any exceptionally favourable conditions available to the tenderer for the supply of the goods or services or for the execution of the work;	201.2.b	(b) the technical solutions chosen and/or any other exceptionally favourable conditions of which the tenderer benefits for the execution of the works, for the supply of the goods or of services;
55.1.2.e	(c) the originality of the work, supplies or services proposed by the tenderer;	57.1.2.e	(c) the originality of the supplies, services or work proposed by the tenderer;	201.2.c	(c) the originality of the tender from the point of view of the accomplishment of all the requirements provided in the terms of

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					reference;
55.1.2.d	(d) compliance with the provisions relating to employment protection and working conditions in force at the place where the work, service or supply is to be performed;	57.1.2.d	(d) compliance with the provisions relating to employment protection and working conditions in force at the place where the work, service or supply is to be performed;	201.2.d	(d) the compliance with the provisions regarding the employment protection and the working conditions applicable for the execution of works, for the delivery of services, or for the supply of goods.
55.1.2.e	(e) the possibility of the tenderer obtaining State aid.	57.1.2.e	(e) the possibility of the tenderer obtaining State aid.	201.2.e	(e) the possibility of the tenderer to benefit of a State aid.
55.2	2. The contracting authority shall verify those constituent elements by consulting the tenderer, taking account of the evidence supplied.	57.2	2. The contracting entity shall verify those constituent elements by consulting the tenderer, taking account of the evidence supplied.	203.1	Article 203 (1) When the contracting authority establishes that a tender is abnormally low because the tenderer has obtained a State aid, the tender can be rejected on that ground alone, only if, after the clarifications were required, the tenderer cannot prove, in a reasonable period of time established by the contracting authority, that the state aid was legally granted.
55.3	3. Where a contracting authority establishes that a tender is abnormally low because the tenderer has obtained State aid, the tender can be rejected on that ground alone only after consultation with the tenderer where the latter is unable to prove, within a sufficient time limit fixed by the contracting authority, that the aid in question was granted legally. Where the contracting authority rejects a tender in these circumstances, it	57.3	3. Where a contracting entity establishes that a tender is abnormally low because the tenderer has obtained State aid, the tender can be rejected on that ground alone only after consultation with the tenderer where the latter is unable to prove, within a sufficient time limit fixed by the contracting entity, that the aid in question was granted legally. Where the contracting entity rejects a tender in these circumstances, it shall inform	203.2	(2) When the contracting authority rejects a tender under circumstances provided for by paragraph (1), it has the obligation to send a notification to National Authority for Regulation and Monitoring of Public Procurement.

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	shall inform the Commission of that fact.		the Commission of that fact.		
na	na	na	na	204	<p>Article 204</p> <p>(1) The contracting authority has the obligation to conclude the public procurement contract with the tenderer whose tender is declared winner, on the basis of the technical and financial proposals listed in the respective tender.</p> <p>(2) The contracting authority has the obligation to ensure the getting and keeping of the justifying documents, which prove any public procurement.</p>
na	na	na	na	205	<p>Article 205</p> <p>(1) The contracting authority has the right to conclude a public procurement contract during the validity of the tenders, but only after completing the deadline of:</p> <p>a) 15 days from the transmission date of the communication regarding the result of the procedure, according to the provisions of art. 206 - 207, in the case when the public procurement contract value is higher than the thresholds provided for by Article 124;</p> <p>b) 7 days from the transmission date of the communication regarding the result of the procedure, according to the provisions of art. 206 - 207, in the case when the public procurement contract value is lower than the</p>

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					<p>thresholds provided for by Article 124.</p> <p>(2) The Public procurement contract concluded before the time limit provided by paragraph (1) is null and void.</p> <p>(3) In the case provided by art. 122 lett. C) and art. 252 lett. C), the contracting authority does not have the obligation provided by paragraph (1).</p> <p>(4) The provisions of the present article will apply accordingly for the awarding of the contracts stipulated in <a href="#">Chapter VII</a>.</p>
na	na	na	na	209	<p>Section 6</p> <p>Annulment of the award of public procurement contract procedure</p> <p>Article 209</p> <p>(1) By exception of art. 204, the contracting authority has the right to annul the application of the procedure for the award of the public procurement contract if such decision is taken, as a rule, before the date of the transmission of the communication regarding the result of applying the procedure and, anyhow, only before the date of the concluded the contract, in the following cases:</p> <p>a) it was not possible to ensure an appropriate level of competition, meaning that the number of candidates/tenderers is lower than the</p>

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					<p>minimum number provided for each procedure in the present law;</p> <p>b) there have been submitted only unacceptable, irregular or not suitable tenders;</p> <p>c) there have been submitted tenders that, although can be taken into consideration, cannot be compared due to the un-uniform approach of the technical and/or financial solutions;</p> <p>d) serious infringement affects the procedure for the award of the contract or the conclusion of a contract is impossible.</p> <p>(2) In the purpose of paragraph (1), letter d), the awarding procedure is considerate to be affected when there are cumulatively accomplished the followings conditions:</p> <p>a) within the tender documentation and/or in manner of application of the awarding procedure there are ascertained errors or omissions having as effect the infringement of the principle provided for by Article 2, paragraph (2), letters a)-f);</p> <p>b) the contracting authority has not the possibility to adopt corrective measures because these measures could also conduct to infringement of the principles provided for by Article 2, paragraph (2), letters a)-f).</p>
na	na	na	na	210	Article 210

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					The contracting authority has the obligation to inform in writing all the participants to the public procurement procedure, in no more than 3 days from the date of annulment, both the ceasing of the obligations of the participants, created by submitting tenders, as well as the reason of the annulment.
56.1	<p>TITLE III RULES ON PUBLIC WORKS CONCESSIONS CHAPTER I Rules governing public works concessions</p> <p>Article 56 Scope This Chapter shall apply to all public works concession contracts concluded by the contracting authorities where the value of the contracts is equal to or greater than <i>EUR 5278000</i>.</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>	na	na	9.f & 218.1	<p>f) awarding of the public works concession contract and services concession contract, in which case there are applicable the provisions of <a href="#">Chapter VII</a>.</p> <p>Article 218 (1) The contracting authority has the obligation to award the concession contract according to the present section of the law.</p>
56.2	The value shall be calculated in accordance with the rules applicable to public works contracts defined in Article 9.	na	na	219.1	<p>Article 219 (1) The estimation rules provided by <a href="#">Chapter II, Section 2</a>, are applied accordingly in order to determine the estimate value of the concession</p>

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					contract.
na	na	na	na	217	Chapter VII Concession contracts  Section 1 General principles and rules for awarding of the concession contract  Article 217 The awarding of the concession contract is based on the principles provided for by Article 2 paragraph (2).
na	na	na	na	218.2	(2) The fundament of the decision for the realization of the project, the way of transferring and recuperating the object of the concession, the modalities for preparing the tender documentation and the specific ways for applying the procedures provided by this law for awarding the concession contract are set-up by Government Decision.
na	na	na	na	219.2	2) The solving of disputes made during the awarding procedure of the concession contract is provided by Chapter IX.
57.a	Article 57 Exclusions from the scope This Title shall not apply to public works concessions which are awarded: (a) in the cases referred to in Articles 13, 14 and 15 of this	na	na	220.a	Article 220 The present law shall not apply in the case when the concession contract: a) is awarded in one of the situations provided by Article 12 - 14; or

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	Directive in respect of public works contracts;				
57.b.1	(b) by contracting authorities exercising one or more of the activities referred to in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> of Directive 2004/17/EC where those concessions are awarded for carrying out those activities.	na	na	220.b	b) is awarded by a contracting authority that exerts, among its activities, one or more relevant activities provided for by Article 232-241 and only in the case when the concession contract is awarded in order to perform the respective activities; or
57.b.2	However, this Directive shall continue to apply to public works concessions awarded by contracting authorities carrying out one or more of the activities referred to in Article 6 of Directive 2004/17/EC and awarded for those activities, insofar as the Member State concerned takes advantage of the option referred to in the second subparagraph of <a href="#">Article 71</a> thereof to defer its application.	na	na	220.c	c) which has as subject matter the concession of public goods and only in the case when the contracting authority does not intend to acquire the execution of works or services, in this case the respective contract being included either in the category of public procurement contracts or in the category of concession contracts for which the provisions of this law shall be applied.
58.1	Article 58 Publication of the notice concerning public works concessions 1. Contracting authorities which wish to award a public works concession contract shall make known their intention by means of a notice.	na	na	222.1-3	Art 222 (1) The contracting authority has the obligation to ensure the transparency of concession contracts awarding. (2) The awarding procedure of a concession contract is initiated by publishing a participation notice.
58.2	2. Notices of public works concessions shall contain the information referred to in Annex VII	na	na	222.3.1	(3) The contracting authority must include in the participation notice mentioned in paragraph (2) at least



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	C and, where appropriate, any other information deemed useful by the contracting authority, in accordance with the standard forms adopted by the Commission pursuant to the procedure in <a href="#">Article 77(2)</a> .				the information from Annex 3B and, where appropriate any other information deemed useful by the contracting authority, by using the standard forms adopted by the European Commission.
na	na	na	na	222.3.2	The content of the notices for which, according to the present law, the contracting authority has not the obligation to send it for publication in the Official Journal of the European Union, will be laid down by Government Decision.
58.3-4	3. Notices shall be published in accordance with Article 36(2) to (8). 4. Article 37 on the publication of notices shall also apply to public works concessions.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>	na	na	222.4	(4) The provisions of articles 48 – 50 are applied accordingly.
na	na	na	na	223	Article 223 (1) The participation notice is published in ESPP, in Official Gazette of Romania, Part. VI, Public procurement and, by case, in Official Journal of the European Union. (2) The publication in the Official Journal of the European Union is mandatory in all the situations where the estimated value of the concession contract that is to be awarded is greater than the RON equivalency of

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59	<p>Article 59 Time limit When contracting authorities resort to a public works concession, the time limit for the presentation of applications for the concession shall be not less than 52 days from the date of dispatch of the notice, except where Article 38(5) applies. Article 38(7) shall apply.</p>	na	na	224	<p>5,000,000 EURO.</p> <p>Art 224 (1) The contracting authority must establish the number of days between the date of publishing of the participation notice and the applications submitting date so that the economic operators benefit from a adequate and sufficient period of time in order to elaborate the applications. (2) Irrespective of the applied procedure and without prejudice to the provisions of paragraph (1), the contracting authority has the obligation to send to publishing the participation notice with at least 52 days before the limit date for submitting the applications. (3) In the case when the participation notice is sent for publishing in the Official Journal of European Union, in electronic form, the period provided by paragraph (2), can be reduced with 7 days. (4) The provisions of article 72 are applied accordingly.</p>
60.a	<p>Article 60 Subcontracting The contracting authority may either: (a) require the concessionaire to award contracts representing a minimum of 30 % of the total value of the work for which the</p>	na	na	225.a (amended by L337/2006, point 31)	<p>Art 225 When the contracting authority awards a concession contract, it has the right to request: (a) <i>the concessionaire: to award contracts to a third parties, in a percentage of minimum 30% of total value of works that are the subject of</i></p>

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	concession contract is to be awarded, to third parties, at the same time providing the option for candidates to increase this percentage, this minimum percentage being specified in the concession contract, or				<i>the concession, giving the candidates the possibility to increase the share/shares of the contract that will be subcontracted.</i>
60.b	(b) request the candidates for concession contracts to specify in their tenders the percentage, if any, of the total value of the work for which the concession contract is to be awarded which they intend to assign to third parties.	na	na	225.b	b) to candidates: to specify in the application the value/percentage of the work for which the concession contract is to be awarded which intent to assign to third parties.
61.1.s1.p1	Article 61 Awarding of additional works to the concessionaire This Directive shall not apply to additional works not included in the concession project initially considered or in the initial contract but which have, through unforeseen circumstances, become necessary for the performance of the work described therein, which the contracting authority has awarded to the concessionaire, .....	na	na	221.s1	Art 221 The present law shall not apply when it is necessary to purchase additional works or services, that were not included in the original concession contract, but which, due to unpredictable circumstances, became necessary for the performance of the respective contract, if the following conditions are cumulatively observed:
61.1.s1.p2	..... on condition that the award is made to the economic operator performing such work:	na	na	221.a	a) the contract is to be awarded to the initial contractor;
61.1.i1	- when such additional works cannot be technically or economically separated from the initial contract without major	na	na	221.b.p1	b) the additional services or works cannot be separated, from the economic and technical viewpoint, of the original contract without major

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	inconvenience to the contracting authorities, or				inconveniences for the contracting authority or, .....
61.1.i2	- when such works, although separable from the performance of the initial contract, are strictly necessary for its completion.	na	na	221.b.p2	..... even if separable of the initial contract, they are strictly needed for completion of the contract;
61.2	However, the aggregate value of contracts awarded for additional works may not exceed 50 % of the amount of the original works concession contract.	na	na	221.2	c) the cumulated value of the awarded contracts for supplementary/additional works and services cannot exceed 50% of initial value of the contract.
62	CHAPTER II Rules on contracts awarded by concessionaires which are contracting authorities  Article 62 Applicable rules Where the concessionaire is a contracting authority as referred to in Article 1(9), it shall comply with the provisions laid down by this Directive for public works contracts in the case of works to be carried out by third parties.	na	na	226	Section 2 Rules for awarding the public procurement contracts by concessionaires  Art 226 In case the concessionaire has the quality of contracting authority in the purpose of Article 8, letter a) – c), provisions, he has the obligation to observe the provisions of Chapters I-VI of the present law when awarding a public procurement contract to third parties.
63.1.1	CHAPTER III Rules applicable to contracts awarded by concessionaires which are not contracting authorities  Article 63 Advertising rules: threshold and exceptions 1. The Member States shall take	na	na	227.1.p1	Art 227 (1) When the concessionaire does not have the quality of contracting authority in the purpose of Article 8 let. A) – c), he still has the following obligations when awarding a work or service contract to a third party to publish a participation notice in Official Journal of The European

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	<p>the necessary measures to ensure that public works concessionaires which are not contracting authorities apply the advertising rules defined in Article 64 when awarding works contracts to third parties where the value of such contracts is equal to or greater than <i>EUR 5278000</i>.</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>				<p>Union, in the ESPP and in Official Gazette of Romania, Part VI – Public procurement, in all situations in which the estimated value of the contract, that will be awarded is higher than RON equivalency of EUR 5,000,000, .....</p>
63.1.2	Advertising shall not, however, be required where a works contract satisfies the conditions listed in Article 31.	na	na	227.1.p2	..... except for the cases provided for in article 122.
63.1.3	The values of contracts shall be calculated in accordance with the rules applicable to public works contracts laid down in Article 9.	na	na	na	na
63.2.1	2. Groups of undertakings which have been formed to obtain the concession or undertakings related to them shall not be considered third parties.	na	na	228.1	<p>Art 228</p> <p>(1) The groups of companies constituted for obtaining the concession or their related undertakings cannot be considered third parties.</p>
63.2.2.s1.p1	"Related undertaking" shall mean any undertaking over which the concessionaire can exert a dominant influence, whether directly or indirectly, .....	na	na	228.2.1.a	<p>(2) In the purpose of paragraph (1) provisions, related undertaking means any undertaking:</p> <p>a) over which the concessionaire can exert directly or indirectly a dominant influence; or</p>
63.2.2.s1.	..... or any undertaking which can	na	na	228.2.1.b	b) which can exert a dominant

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p2	exert a dominant influence on the concessionaire .....				influence over the concessionaire; or
63.2.2.s1. p3	..... or which, as the concessionaire, is subject to the dominant influence of another undertaking as a result of ownership, financial participation or the rules which govern it.	na	na	228.2.1.c	c) which, the same as the concessionaire, is subject to the dominant influence of other entity.
63.2.2.s2	A dominant influence on the part of an undertaking is presumed when, directly or indirectly in relation to another undertaking, it: (a) holds a majority of the undertaking's subscribed capital; (b) controls a majority of the votes attached to the shares issued by the undertaking; or (c) can appoint more than half of the undertaking's administrative, management or supervisory body.	na	na	228.2.2	Regarding the dominant influence, the provisions of article 3 let. s) are applied accordingly.
63.2.3	The exhaustive list of such undertakings shall be included in the application for the concession. That list shall be brought up to date following any subsequent changes in the relationship between the undertakings.	na	na	228.3	(3) The economic operator that participates to the awarding procedure of a concession contract has the obligation to include in the application a list containing the legal persons that have the quality of related undertakings; the concessionaire will have the obligation to permanently update the list, till the concession contract finalisation.
64.1	Article 64 Publication of the notice 1. Works concessionaires which	na	na	see 227.1	na

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	are not contracting authorities and which wish to award works contracts to a third party shall make known their intention by way of a notice.				
64.2-3	<p>2. Notices shall contain the information referred to in Annex VII C and, where appropriate, any other information deemed useful by the works concessionaire, in accordance with the standard form adopted by the Commission in accordance with the procedure in <a href="#">Article 77(2)</a>.</p> <p>3. The notice shall be published in accordance with Article 36(2) to (8).</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	na	na	227.6-7	<p>(6) The concessionaire has the obligation to include in the notice provided by align. (1) at least the information provided in Annex 3C and, where appropriate any other information deemed useful by the concessionaire, by using the standard forms adopted by the European Commission.</p> <p>(7) The provisions of articles 48 - 50 are applied accordingly.</p>
64.4	4. Article 37 on the voluntary publication of notices shall also apply.	na	na	na	na
65.1.p1	<p>Article 65</p> <p>Time limit for the receipt of requests to participate and receipt of tenders</p> <p>In works contracts awarded by a works concessionaire which is not a contracting authority, the time limit for the receipt of requests to participate, fixed by the</p>	na	na	227.2.a	<p>(2) When the awarding procedure of the contract implies an initial phase for selection, then the concessionary must meet the following conditions:</p> <p>(a) the number of days between the publishing of the participation notice date and the candidatures submitting date must be at least of 37 days; and</p>

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	concessionaire, shall be not less than 37 days from the date on which the contract notice was dispatched .....				
65.1.p2	..... and the time limit for the receipt of tenders not less than 40 days from the date on which the contract notice or the invitation to tender was dispatched.	na	na	227.2.b	(b) the number of days between the date of sending the participation invitation and the date of tenders submitting must be at least of 40 days.
65.2	Article 38(5), (6) and (7) shall apply.	na	na	227.3-5	(3) In the case when the participation notice is sent for publishing in the Official Journal of European Union, in electronic form, the periods provided by paragraph (2), can be reduced with 7 days. (4) In the case when the concessionaire publishes in ESPP all the tender documentation and allows, starting with the publishing date of the participation notice, the direct access and without restriction of the economic operators to this documentation, then it has the right to reduce the periods of time provided for by paragraph (2) let b), with another 5 days. (5) The provisions of article 72 are applied accordingly.
66.1	TITLE IV RULES GOVERNING DESIGN CONTESTS  Article 66 General provisions	60.1	TITLE III RULES GOVERNING SERVICE DESIGN CONTESTS  Article 60 General provision	132 & 133	Article 132 The contracting authority has the obligation to announce, in the contest documentation, any information, requirement, rule, criteria or other similar information in order to ensure



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	<p>1. The rules for the organisation of design contests shall be in conformity with Articles 66 to 74 and shall be communicated to those interested in participating in the contest.</p>		<p>1. The rules for the organisation of a design contest shall be in conformity with paragraph 2 of this Article and with Articles 61 and 63 to 66 and shall be made available to those interested in participating in the contest.</p>		<p>the correct and complete information of the potential competitors regarding the design contest.</p> <p>Article 133 The documentation for the contest shall contain at least:</p> <ul style="list-style-type: none"> <li>a) general information regarding the contracting authority;</li> <li>b) instructions regarding the deadline that shall be respected and the formalities to be fulfilled for the participation in the contest;</li> <li>c) the minimum qualification requirements that were required by the contracting authority, as well as the documents that need to be presented by the competitors in order to prove the fulfilment of the respective requirements;</li> <li>d) all the requirements necessary for the competitors for elaborating and presenting the plans and projects;</li> <li>e) the amount of the prizes that will be awarded, if design contest is organized as an independent procedure;</li> <li>f) the commitment of the contracting authority to conclude the services contract with the winner or one of the winners of the contest, when the contest is organized as part of another procedure for awarding the service contract;</li> </ul>

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					g) detailed and complete information regarding the criteria applied for establishing the winner project/projects.
66.2.a	2. The admission of participants to design contests shall not be limited: (a) by reference to the territory or part of the territory of a Member State;	60.2.a	2. The admission of participants to design contests shall not be limited: (a) by reference to the territory or part of the territory of a Member State;	see 41	na
66.2.b	(b) on the grounds that, under the law of the Member State in which the contest is organised, they would be required to be either natural or legal persons.	60.2.b	(b) on the ground that, under the law of the Member State in which the contest is organised, they would have been required to be either natural or legal persons.	see 42	na
67.1	Article 67 Scope 1. In accordance with this Title, design contests shall be organised by: (a) contracting authorities which are listed as central government authorities in <a href="#">Annex IV</a> , starting from a threshold equal to or greater than <i>EUR 137000</i> ; (b) contracting authorities not listed in <a href="#">Annex IV</a> , starting from a threshold equal to or greater than <i>EUR 211000</i> ; (c) by all the contracting authorities, starting from a threshold equal to or greater than <i>EUR 211000</i> where contests concern services in category 8 of Annex II A, category 5 telecommunications	61.1-2	Article 61 Thresholds 1. This Title shall apply to design contests organised as part of a procurement procedure for services whose estimated value, net of VAT, is equal to or greater than <i>EUR 422000</i> . For the purposes of this paragraph, "threshold" means the estimated value net of VAT of the service contract, including any possible prizes and/or payments to participants. 2. This Title shall apply to all design contests where the total amount of contest prizes and payments to participants is equal to or greater than <i>EUR 422000</i> .  <i>[Amended by Regulation</i>	9.e	e) organizing of the design contest;

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	<p>services, the positions of which in the CPV are equivalent to reference Nos CPC 7524, 7525 and 7526 and/or services listed in Annex II B.</p> <p><i>[Amended by Regulation 1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>		<p><i>1874/2004, and the amendment subsequently amended by Regulation 2083/2005]</i></p>		
67.2.1	<p>2. This Title shall apply to:</p> <p>(a) design contests organised as part of a procedure leading to the award of a public service contract;</p> <p>(b) design contests with prizes and/or payments to participants.</p>	na	na	131	<p>Section 8 Design contest</p> <p>Article 131 The contracting authority has the right to organise a design contest, as described by art. 18, paragraph (2) as an independent procedure, with prizes or/and payments to participants, or as a part of another procedure that leads to the awarding of a services contract.</p>
67.2.2	<p>In the cases referred to in (a) the threshold refers to the estimated value net of VAT of the public services contract, including any possible prizes and/or payments to participants.</p>	61.2.	<p>For the purposes of this paragraph, "threshold" means the total amount of the prizes and payments, including the estimated value net of VAT of the service contract which might subsequently be concluded under Article 40(3) if the contracting entity does not exclude such an award in the contest notice.</p>		<p>b) if the design contest is organized as a part of an awarding procedure of a services contract, then the estimated value taken into consideration is the estimated value of the respective services contract, including any possible prizes/payments to the competitors.</p>
67.2.3	<p>In the cases referred to in (b), the threshold refers to the total amount of the prizes and payments, including the estimated value net of</p>	see 61.2.2	na	30.a	<p>Article 30 In case when the contracting authority intends to organize a design contest, the estimated value that must be</p>

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	VAT of the public services contract which might subsequently be concluded under Article 31(3) if the contracting authority does not exclude such an award in the contest notice.				taken into account is determined as follows: a) if the design contest is organized as an independent procedure, the estimated value includes the total value of all prizes/payments that are going to be awarded to the competitors, as well as the estimated value of the services contract that could be subsequently concluded according to the provisions of art. 122 letter h) or art. 252 letter i) if the contracting authority has not excluded such an award in the contest participation notice;
68	<p>Article 68</p> <p>Exclusions from the scope This Title shall not apply to: (a) design contests within the meaning of Directive 2004/17/EC which are organised by contracting authorities exercising one or more of the activities referred to in <a href="#">Articles 3 [4, 5, 6]</a> to <a href="#">7</a> of that Directive and are organised for the pursuit of such activities; nor shall it apply to contests excluded from the scope of this Directive.</p> <p>However, this Directive shall continue to apply to design contests awarded by contracting authorities carrying out one or more of the activities referred to in Article 6 of Directive 2004/17/EC and awarded</p>	62	<p>Article 62</p> <p>Design contests excluded This Title shall not apply to: (1) contests which are organised in the same cases as referred to in Articles 20, 21 and 22 for service contracts; (2) design contests organised for the pursuit, in the Member State concerned, of an activity to which the applicability of paragraph 1 of Article 30 has been established by a Commission decision or has been deemed applicable pursuant to paragraph 4, second or third subparagraph, or to paragraph 5, fourth subparagraph, of that Article.</p>	na	na

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	for those activities, insofar as the Member State concerned takes advantage of the option referred to in the second subparagraph of <a href="#">Article 71</a> thereof to defer its application; (b) contests which are organised in the same cases as those referred to in Articles 13, 14 and 15 of this Directive for public service contracts.				
69.1	Article 69 Notices 1. Contracting authorities which wish to carry out a design contest shall make known their intention by means of a contest notice.  <i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i>	63.1.1	Rules on advertising and transparency 1. Contracting entities which wish to organise a design contest shall call for competition by means of a contest notice. Contracting entities which have held a design contest shall make the results known by means of a notice. The call for competition shall contain the information referred to in Annex XVIII and the notice of the results of a design contest shall contain the information referred to in Annex XIX in accordance with the format of standard forms adopted by the Commission in accordance with the procedure in Article 68(2).  <i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i>	54.d & 134.1.s1	d) it organizes a design contest  Article 134 (1) The design contest shall be initiated by publishing a participation notice in which the interested economic operators are required to submit plans and projects, according to the provisions of <a href="#">Article 55</a> .
na	na	na	na	134.2-3	(2) The number of days between the date of publishing the participation

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					notice and the date of submitting plans and projects shall be established so that the economic operators will benefit of a reasonable period of time for their elaboration. (3) Without prejudice to the provisions of paragraph (2), the contracting authority has the obligation to send the participation notice for publication with at least 52 days before the time-limit for submitting the plans and projects.
69.2.1	<p>2. Contracting authorities which have held a design contest shall send a notice of the results of the contest in accordance with Article 36 and must be able to prove the date of dispatch.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	63.1.2	<p>The notice of the results of a design contest shall be forwarded to the Commission within two months of the closure of the design contest and under conditions to be laid down by the Commission in accordance with the procedure referred to in Article 68(2). In this connection, the Commission shall respect any sensitive commercial aspects which the contracting entities may point out when forwarding this information, concerning the number of projects or plans received, the identity of the economic operators and the prices tendered.</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	56.b	b) has finalized a design contest by establishing the winner;
69.2.2 + 69.3	Where the release of information on the outcome of the contest would	na	na	na	na

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	<p>impede law enforcement, be contrary to the public interest, prejudice the legitimate commercial interests of a particular enterprise, whether public or private, or might prejudice fair competition between service providers, such information need not be published.</p> <p>3. Article 37 concerning publication of notices shall also apply to contests.</p>				
70	<p>Article 70</p> <p>Form and manner of publication of notices of contests</p> <p>1. The notices referred to in Article 69 shall contain the information referred to in Annex VII D in accordance with the standard model notices adopted by the Commission in accordance with the procedure in <a href="#">Article 77(2)</a>.</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	63.2	<p>2. Article 44(2) to (8) shall also apply to notices relating to design contests.</p> <p><i>[Regulation 1564/2005, Article 1 on standard notices, see 41.1.1.a.1]</i></p>	134.1.s2	<p>The notice shall contain at least the information provided in Annex 3D and it shall be elaborate according to the standard format adopted by the European Commission.</p>
70.2	<p>2. The notices shall be published in accordance with Article 36(2) to (8).</p> <p><i>[Regulation 1564/2005, Article 2 on standard notices, see 35.1.1.a.1]</i></p>	see 63.2	na	55 & 57	<p>Article 55</p> <p>(1) The participation notice is published in ESPP, in Official Gazette of Romania, Part. VI, Public procurement and, by case, in Official Journal of the European Union.</p> <p>(2) The publication in the Official Journal of the European Union is mandatory in all the situations where:</p> <p>a) the contracting authority finds</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>itself in one of the categories provided by art. 8, letters a)-c) and the estimated value of the supply or services contract/framework agreement, that is to be awarded/concluded is grater than the RON equivalency of 125.000 Euro;</p> <p>b) the contracting authority finds itself in one of the categories provided by art. 8 letters d) or e) and the estimated value of the supply or services contract/framework agreement, that is to be awarded/concluded, is grater than RON equivalency of 420.000 Euro;</p> <p>c) where the value of the contract/framework agreement of works, that is to be awarded/concluded is grater than RON equivalency of 5.000.000 EURO.</p> <p>Article 57</p> <p>(1) The awarding notice is published in ESPP, in Official Gazette of Romania, Part. VI, Public procurement and, by case, in Official Journal of the European Union.</p> <p>(2) The publication in the Official Journal of the European Union is mandatory in all the situations where:</p> <p>a) the contracting authority finds itself in one of the categories provided by art. 8, letters a)-c) and the value of</p>



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					<p>the supply or services contract/framework agreement, that has been awarded/concluded is higher than the RON equivalency of 125.000 Euro;</p> <p>b) the contracting authority finds itself in one of the categories provided by art. 8 letters d) or e) and the value of the supply or services contract/framework agreement, that has been awarded/concluded, is higher than RON equivalency of 420.000 Euro;</p> <p>c) the value of the contract/framework agreement of works, that has been awarded/concluded is higher than RON equivalency of 5.000.000 EURO.</p>
71.1	<p>Article 71</p> <p>Means of communication</p> <p>1. Article 42(1), (2) and (4) shall apply to all communications relating to contests.</p>	64.1	<p>Article 64</p> <p>Means of communication</p> <p>1. Article 48(1), (2) and (4) shall apply to all communications relating to contests.</p>	see 60 & 61	na
71.2	<p>2. Communications, exchanges and the storage of information shall be such as to ensure that the integrity and the confidentiality of all information communicated by the participants in a contest are preserved and that the jury ascertains the contents of plans and projects only after the expiry of the time limit for their submission.</p>	64.2	<p>2. Communications, exchanges and the storage of information shall be such as to ensure that the integrity and the confidentiality of all information communicated by the participants in a contest are preserved and that the jury ascertains the contents of plans and projects only after the expiry of the time-limit for their submission.</p>	135	<p>Article 135</p> <p>If the contracting authority requires that the plans and projects should be sent by electronic means, the conditions foreseen in art 64 and 65 are applicable, as a consequence.</p>

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71.3	<p>3. The following rules shall apply to devices for the electronic receipt of plans and projects:</p> <p>(a) the information relating to the specifications which is necessary for the presentation of plans and projects by electronic means, including encryption, shall be available to the parties concerned. In addition, the devices for the electronic receipt of plans and projects shall comply with the requirements of Annex X;</p> <p>(b) the Member States may introduce or maintain voluntary arrangements for accreditation intended to improve the level of the certification service provided for such devices.</p>	64.3	<p>3. The following rules shall apply to the devices for the electronic receipt of plans and projects:</p> <p>(a) the information relating to the specifications which is necessary for the presentation of plans and projects by electronic means, including encryption, shall be available to the parties concerned. In addition, the devices for the electronic receipt of plans and projects shall comply with the requirements of Annex XXIV;</p> <p>(b) Member States may introduce or maintain voluntary accreditation schemes aiming at enhanced levels of certification service provision for such devices.</p>	136	<p>Article 136</p> <p>(1) The contracting authority has the obligation to take all needed measures so that the communications, messages change and information archives shall be carried out in such a way that the integrity and confidentiality of all information communicated by competitors is ensured.</p> <p>(2) The contain of the presented plans or projects shall remain confidential, at least until the deadline for their submission and the jury shall ascertain the content of plans and projects only after the expiry of the time limit for their submission.</p>
72	<p>Article 72</p> <p>Selection of competitors</p> <p>Where design contests are restricted to a limited number of participants, the contracting authorities shall lay down clear and non-discriminatory selection criteria. In any event, the number of candidates invited to participate shall be sufficient to ensure genuine competition.</p>	65.1-2	<p>Article 65</p> <p>Rules on the organisation of design contests, the selection of participants and the jury</p> <p>1. When organising design contests, contracting entities shall apply procedures which are adapted to the provisions of this Directive.</p> <p>2. Where design contests are restricted to a limited number of participants, contracting entities shall establish clear and non-discriminatory selection criteria. In any event, the number of</p>	137	<p>Article 137</p> <p>(1) The contracting authority has the right to carry out a preliminary selection of the competitors, using objective, non-discriminatory and clear criteria that have to be explicitly specified in the contest documentation.</p> <p>(2) The number of the selected competitors shall be sufficient, so that genuine competition is ensured.</p>

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			candidates invited to participate shall be sufficient to ensure genuine competition.		
73	<p>Article 73</p> <p>Composition of the jury</p> <p>The jury shall be composed exclusively of natural persons who are independent of participants in the contest. Where a particular professional qualification is required from participants in a contest, at least a third of the members of the jury shall have that qualification or an equivalent qualification.</p>	65.3	<p>3. The jury shall be composed exclusively of natural persons who are independent of participants in the contest. Where a particular professional qualification is required of participants in a contest, at least a third of the jury members shall have the same qualification or an equivalent qualification.</p>	138	<p>Article 138</p> <p>(1) For the purpose of evaluating the plans and projects presented in the design contest, the contracting authority has the obligation to appoint a jury formed of at least 3 members that shall be independent from the competitors, natural persons with relevant professional qualification and relevant experience in that field, as well as with recognized moral probity.</p> <p>(2) If the competitors are required to prove a specific professional qualification, then at least one third of the members of the jury shall have same qualification or equivalent.</p>
74.1	<p>Article 74</p> <p>Decisions of the jury</p> <p>1. The jury shall be autonomous in its decisions or opinions.</p>	66.1	<p>Article 66</p> <p>Decisions of the jury</p> <p>1. The jury shall be autonomous in its decisions or opinions.</p>	139.2	<p>(2) The jury is autonomous for the decisions or opinion issued.</p>
74.2.p1	<p>2. It shall examine the plans and projects submitted by the candidates anonymously and .....</p>	66.2.p1	<p>2. It shall examine the plans and projects submitted by the candidates anonymously and .....</p>	139.1.p1	<p>Article 139</p> <p>(1) The plans and projects shall be presented anonymously and .....</p>
74.2.p2	<p>..... solely on the basis of the criteria indicated in the contest notice.</p>	66.2.p2	<p>..... solely on the basis of the criteria indicated in the contest notice.</p>	140.1	<p>Article 140</p> <p>(1) The jury has the obligation to assess the submitted plans and projects using exclusively the evaluation criteria indicated in contest notice.</p>
74.3	<p>3. It shall record its ranking of</p>	66.3	<p>3. It shall record its ranking of</p>	140.2	<p>(2) The jury has the obligation to</p>

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	projects in a report, signed by its members, made according to the merits of each project, together with its remarks and any points which may need clarification.		projects in a report, signed by its members, made according to the merits of each project, together with its remarks and any points which may need clarification.		issue a report signed by all its members that shall comprise the ranking of the plans and projects based on their qualitative evaluation, any specific observation, as well as, if the case, list of problems that are to be clarified.
74.4	4. Anonymity must be observed until the jury has reached its opinion or decision.	66.4	4. Anonymity must be observed until the jury has reached its opinion or decision.	139.1.p2	..... their anonymity shall be kept until the moment when the jury adopts a decision or issues an opinion.
74.5	5. Candidates may be invited, if need be, to answer questions which the jury has recorded in the minutes to clarify any aspects of the projects.	66.5	5. Candidates may be invited, if need be, to answer questions which the jury has recorded in the minutes to clarify any aspects of the projects.	141.1	Article 141 (1) The jury has the right to invite the competitors to answer to the problems identified in the report provided for by art. 140, paragraph (2), for the clarification of any aspects referring to the proposed solution/project.
74.6	6. Complete minutes shall be drawn up of the dialogue between jury members and candidates.	66.6	6. Complete minutes shall be drawn up of the dialogue between jury members and candidates.	141.2	(2) The jury has the obligation to issue complete minutes of the discussions carried out according to paragraph (1) provisions.
75	TITLE V STATISTICAL OBLIGATIONS, EXECUTORY POWERS AND FINAL PROVISIONS  Article 75 Statistical obligations In order to permit assessment of the results of applying this Directive, Member States shall forward to the Commission a statistical report, prepared in accordance with Article	67.1-2	TITLE IV STATISTICAL OBLIGATIONS, EXECUTORY POWERS AND FINAL PROVISIONS Article 67 Statistical obligations 1. Member States shall ensure, in accordance with the arrangements to be laid down under the procedure provided for in Article 68(2), that the Commission receives every year a statistical report concerning the total	301 (amended by L337/2006, point 49)	Article 301 (1) <i>The operator of ESPP is the General Inspectorate for Communications and Information Technology. By Government Decision, the Government has the right to regulate a specific procedure for according the right of becoming an operator of such a system also to other legal persons.</i> (2) On the basis of the data available in the ESPP system, the

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	<p>76, separately addressing public supply, services and works contracts awarded by contracting authorities during the preceding year, by no later than 31 October of each year.</p>		<p>value, broken down by Member State and by category of activity to which Annexes I to X refer, of the contracts awarded below the thresholds set out in <a href="#">Article 16</a> but which would be covered by this Directive were it not for those thresholds.</p> <p>2. As regards the categories of activity to which Annexes II, III, V, IX and X refer, Member States shall ensure that the Commission receives a statistical report on contracts awarded no later than 31 October 2004 for the previous year, and before 31 October of each year thereafter, in accordance with arrangements to be laid down under the procedure provided for in Article 68(2). The statistical report shall contain the information required to verify the proper application of the Agreement.</p> <p>The information required under the first subparagraph shall not include information concerning contracts for the R &amp; D services listed in category 8 of Annex XVII A, for telecommunications services listed in category 5 of Annex XVII A whose CPV positions are equivalent to the CPC reference numbers 7524, 7525 and 7526, or for the</p>		<p>ESPP operator has the obligation to put at the disposal of the National Authority for Regulating and Monitoring Public Procurement, in electronic format, the reports it required for ensuring the necessary information to establish the statistical database.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
76	<p>Article 76</p> <p>Content of statistical report</p> <p>1. For each contracting authority listed in <a href="#">Annex IV</a>, the statistical report shall detail at least:</p> <p>(a) the number and value of awarded contracts covered by this Directive;</p> <p>(b) the number and total value of contracts awarded pursuant to derogations to the Agreement.</p> <p>As far as possible, the data referred to in point (a) of the first subparagraph shall be broken down by:</p> <p>(a) the contract award procedures used; and</p> <p>(b) for each of these procedures, works as given in Annex I and products and services as given in Annex II identified by category of the CPV nomenclature;</p> <p>(c) the nationality of the economic operator to which the contract was awarded.</p> <p>Where the contracts have been concluded according to the negotiated procedure, the data referred to in point (a) of the first subparagraph shall also be broken down according to the circumstances referred to in Articles 30 and 31 and shall specify the</p>	67.3	<p>services listed in Annex XVII B.</p> <p>3. The arrangements under paragraphs 1 and 2 shall be laid down in such a way as to ensure that:</p> <p>(a) in the interests of administrative simplification, contracts of lesser value may be excluded, provided that the usefulness of the statistics is not jeopardised;</p> <p>(b) the confidential nature of the information provided is respected.</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>number and value of contracts awarded, by Member State and third country of the successful contractor.</p> <p>2. For each category of contracting authority which is not given in <a href="#">Annex IV</a>, the statistical report shall detail at least:</p> <p>(a) the number and value of the contracts awarded, broken down in accordance with the second subparagraph of paragraph 1;</p> <p>(b) the total value of contracts awarded pursuant to derogations to the Agreement.</p> <p>3. The statistical report shall set out any other statistical information which is required under the Agreement.</p> <p>The information referred to in the first subparagraph shall be determined pursuant to the procedure under <a href="#">Article 77(2)</a>.</p>				
77.1	<p>Article 77</p> <p>Advisory Committee</p> <p>1. The Commission shall be assisted by the Advisory Committee for Public Contracts set up by Article 1 of Decision 71/306/EEC(25) (hereinafter referred to as "the Committee").</p>	68.1	<p>Article 68</p> <p>Committee procedure</p> <p>1. The Commission shall be assisted by the Advisory Committee for Public Contracts instituted by Article 1 of Council Decision 71/306/EEC(31) (hereinafter referred to as "the Committee").</p>	na	na
77.2	<p>2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply,</p>	68.2	<p>2. Where reference is made to this paragraph, <a href="#">Articles 3</a> and <a href="#">7</a> of <a href="#">Decision 1999/468/EC</a> shall apply,</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	in compliance with Article 8 thereof.		having regard to the provisions of <a href="#">Article 8</a> thereof.		
77.3	3. The Committee shall adopt its rules of procedure.	68.3	3. The Committee shall adopt its rules of procedure.	na	na
78.1	<p>Article 78</p> <p>Revision of the thresholds</p> <p>1. The Commission shall verify the thresholds established in Article 7 every two years from the entry into force of this Directive and shall, if necessary, revise them in accordance with the procedure laid down in <a href="#">Article 77(2)</a>.</p> <p>The calculation of the value of these thresholds shall be based on the average daily value of the euro, expressed in SDRs, over the 24 months terminating on the last day of August preceding the revision with effect from 1 January. The value of the thresholds thus revised shall, where necessary, be rounded down to the nearest thousand euro so as to ensure that the thresholds in force provided for by the Agreement, expressed in SDRs, are observed.</p>	69.1	<p>Article 69</p> <p>Revision of the thresholds</p> <p>1. The Commission shall verify the thresholds established in <a href="#">Article 16</a> every two years from 30 April 2004, and shall, if necessary with regard to the second subparagraph, revise them in accordance with the procedure provided for in Article 68(2).</p> <p>The calculation of the value of these thresholds shall be based on the average daily value of the euro, expressed in SDR, over the 24 months terminating on the last day of August preceding the revision with effect from 1 January. The value of the thresholds thus revised shall, where necessary, be rounded down to the nearest thousand euro so as to ensure that the thresholds in force provided for by the Agreement, expressed in SDR, are observed.</p>	302	<p>Article 302</p> <p>The thresholds provided by art. 55 paragraph (2) and by art. 57 paragraph (2) can be modified by Government Decision, if this modification is determined by the observance of the obligations assumed at European level, by the agreement on public procurement closed within the World Trade Organization.</p>
78.2	2. At the same time as the revision under paragraph 1, the Commission, in accordance with the procedure under <a href="#">Article 77(2)</a> , shall align: <p>(a) the thresholds established in</p>	69.2.1	2. At the same time as performing the revision under paragraph 1, the Commission shall, in accordance with the procedure provided for in Article 68(2), align the thresholds laid down in Article 61 (design	na	na



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>(a) of the first subparagraph of Article 8, in Article 56 and in the first subparagraph of Article 63(1) on the revised threshold applying to public works contracts;</p> <p><i>[Directive 2005/75, Article 1]</i></p> <p>(b) the threshold established in Article 67(1)(a) on the revised threshold applying to public service contracts awarded by the contracting authorities referred to in <a href="#">Annex IV</a>;</p> <p>(c) the thresholds established in (b) of the first subparagraph of Article 8 and in Article 67(1)(b) and (c) on the revised threshold applying to public service contracts awarded by contracting authorities other than those referred to in <a href="#">Annex IV</a>.</p>		contests) with the revised threshold applicable to service contracts.		
78.3	3. The value of the thresholds set pursuant to paragraph 1 in the national currencies of the Member States which are not participating in monetary union is normally to be adjusted every two years from 1 January 2004 onwards. The calculation of such value shall be based on the average daily values of those currencies expressed in euro over the 24 months terminating on the last day of August preceding the revision with	69.2.2	The values of the thresholds laid down in accordance with paragraph 1 in the national currencies of Member States not participating in Monetary Union shall, in principle, be revised every two years from 1 January 2004. The calculation of such values shall be based on the average daily values of those currencies, expressed in euro, over the 24 months terminating on the last day of August preceding the revision with effect from 1 January.	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	effect from 1 January.				
78.4	4. The revised thresholds referred to in paragraph 1 and their corresponding values in the national currencies referred to in paragraph 3 shall be published by the Commission in the Official Journal of the European Union at the beginning of the month of November following their revision.	69.3	3. The revised thresholds referred to in paragraph 1, their values in national currencies and the aligned thresholds referred to in paragraph 2 shall be published by the Commission in the Official Journal of the European Union at the beginning of the month of November following their revision.	na	na
79.a	Article 79 Amendments 1. In accordance with the procedure referred to in <a href="#">Article 77(2)</a> , the Commission may amend: (a) the technical procedures for the calculation methods set out in the second subparagraph of Article 78(1) and in Article 78(3);	70.1.j	(j) the technical procedures for the calculation methods set out in Article 69(1) and (2), second subparagraph.	na	na
79.b	(b) the procedures for the drawing-up, transmission, receipt, translation, collection and distribution of the notices referred to in <a href="#">Articles 35</a> , 58, 64 and 69 and the statistical reports provided for in the fourth subparagraph of <a href="#">Article 35(4)</a> , and in Articles 75 and 76;	70.1.b	(b) the procedures for the drawing-up, transmission, receipt, translation, collection and distribution of the notices referred to in Articles 41, 42, 43 and 63;  (i) in the interests of administrative simplification as provided for in Article 67(3), the procedures for the use, drawing-up, transmission, receipt, translation, collection and distribution of the statistical reports referred to in Article 67(1) and (2);	na	na
79.c	(c) the procedures for specific reference to specific positions in the	70.1.c	(c) the procedures for specific references to particular positions in	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	CPV nomenclature in the notices;		the CPV nomenclature in the notices;		
79.d	(d) the lists of bodies and categories of bodies governed by public law in Annex III, when, on the basis of the notifications from the Member States, these prove necessary;	70.1.a	Article 70 Amendments The Commission may amend, in accordance with the procedure provided for in Article 68(2): (a) the list of contracting entities in Annexes I to X so that they fulfil the criteria set out in Articles 2 to 7;		
79.e	(e) the lists of central government authorities in <a href="#">Annex IV</a> , following the adaptations necessary to give effect to the Agreement;	see 70.1.a	na	na	na
79.f	(f) the reference numbers in the nomenclature set out in Annex I, insofar as this does not change the material scope of this Directive, and the procedures for reference to particular positions of this nomenclature in the notices;	70.1.d	(d) the reference numbers in the nomenclature set out in Annex XVII, in so far as this does not change the material scope of the Directive, and the procedures for reference in the notices to particular positions in this nomenclature within the categories of services listed in the Annex;	na	na
79.g	(g) the reference numbers in the nomenclature set out in Annex II, insofar as this does not change the material scope of this Directive, and the procedures for reference in the notices to particular positions in this nomenclature within the categories of services listed in the Annex;	70.1.e	(e) the reference numbers in the nomenclature set out in Annex XII, insofar as this does not change the material scope of the Directive, and the procedures for reference to particular positions of this nomenclature in the notices;	na	na
na	na	70.1.f	(f) Annex XI;	na	na
79.h-i	(h) the procedure for sending and publishing data referred to in Annex	70.1.g-h	(g) the procedure for sending and publishing data referred to in Annex	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	VIII, on grounds of technical progress or for administrative reasons; (i) the technical details and characteristics of the devices for electronic receipt referred to in points (a), (f) and (g) of Annex X.		XX, on grounds of technical progress or for administrative reasons; (h) the technical details and characteristics of the devices for electronic receipt referred to in points (a), (f) and (g) of Annex XXIV;		
80	<p>Article 80 Implementation 1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 January 2006. They shall forthwith inform the Commission thereof.</p> <p>When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p> <p><i>[Directive 2005/75, Article 2]</i> Member States shall bring into force the laws, regulations and</p>	71	<p>Article 71 Implementation of the Directive 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 January 2006 at the latest. They shall forthwith inform the Commission thereof.</p> <p>Member States may avail themselves of an additional period of up to 35 months after expiry of the time limit provided for in the first subparagraph for the application of the provisions necessary to comply with Article 6 of this Directive.</p> <p>When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such references shall be laid down by Member States.</p> <p>The provisions of Article 30 are applicable from 30 April 2004.</p>	303 (amended by L337/2006, point 50)	<p>Article 303 (1) <i>The National Authority for Regulating and Monitoring Public Procurement shall elaborate the norms for the application of the present law, including the template of the contract of public procurement, the contract of concessions of public works and the contract of concessions of services, and submits them to the Government for adoption within 60 days since the publication in the Official Gazette of Romania of the present law.</i></p> <p>(2) Based on the provisions of art. 248 align. (3), the National Authority for Regulating and Monitoring Public Procurement shall elaborate the norms regarding the specific procedure for establishing if a relevant activity is exposed directly to competition, and submits it to the Government for adoption within 90 days since the publication in the Official Gazette of Romania of the present law.</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p><i>administrative provisions necessary to comply with this Directive by 31 January 2006.</i></p> <p><i>When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.</i></p>		<p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>		<p>(3) The National Authority for Regulating and Monitoring Public Procurement and the Ministry for Communications and Information Technology shall elaborate the norms for the application of the present law for procurement through electronic means and submit them to the Government for adoption within 90 days since the publication in the Official Gazette of Romania of the present law.</p> <p>(4) Based on article 218 paragraph (1), the National Authority for Regulating and Monitoring Public Procurement shall elaborate the norms regarding the procedures for awarding concession contracts of public works and submits them to the Government for adoption within 90 days from the publication in the Official Gazette of Romania of the present law.</p>
na	na	na	na	(Article 1 of GD-925/2006)	<p>CHAPTER I</p> <p>General provisions</p> <p>Article 1</p> <p>The application norms of the Government Emergency Ordinance no. 34/2006 on awarding of public procurement contracts, works concession contracts and services concession contracts, hereinafter referred to as emergency ordinance,</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
81	<p>Article 81 Monitoring mechanisms In conformity with Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts(26), Member States shall ensure implementation of this Directive by effective, available and transparent mechanisms.</p> <p>For this purpose they may, among other things, appoint or establish an independent body.</p>	72	<p>Article 72 Monitoring mechanisms In conformity with Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors(32), Member States shall ensure implementation of this Directive by effective, available and transparent mechanisms.</p> <p>For this purpose they may, among other things, appoint or establish an independent body.</p>	(Article 99-101 of the GD-925/2006)	<p>are approved.</p> <p>CHAPTER IX Monitoring of public procurement contracts awarding</p> <p>Article 99 (1) The monitoring of public procurement contracts award shall be carried out by the National Authority for Regulating and Monitoring of Public Procurement on the basis of information comprised in the contract and awarding notices. (2) The contracting authorities have the obligation to submit an annual report regarding the contracts awarded in the previous year to the National Authority for Regulating and Monitoring of Public Procurement. (3) The requested information shall be submitted in accordance with the model provided in Annex no. 2 in electronic format or, by way of exception, as hardcopy, no later than the 31st of March of each year.</p> <p>Article 100 (1) The annual report in electronic format shall be transmitted to the following e-mail address: monitorizare@anrmap.ro. (2) The annual report in hardcopy shall be submitted to the Registry of the National Authority for Regulating</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>and Monitoring of Public Procurement; the contracting authority shall be obliged to request the registration number written on the witness copy.</p> <p>(3) The failure to transmit the annual report or the transmission of an incomplete report or of one containing erroneous information shall be treated as provided by article 293 m) of the emergency ordinance.</p> <p>Article 101 The National Authority for Regulating and Monitoring of Public Procurement shall process the relevant information comprised in the participation and awarding notices, as well as in the annual reports received from the contracting authorities, building a statistical database which is utilised for:</p> <ul style="list-style-type: none"> <li>a) the timely presentation of reports requested by the European Commission;</li> <li>b) supplying all interested parties with information relating to the functioning of the public procurement system;</li> <li>c) supervising the manner in which public procurement contracts are awarded;</li> <li>d) preventing and, if necessary, ascertaining breaches of the</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
na	na	na	na	(Article 106 of GD-925/2006)	<p>legislation in the field.</p> <p>Article 106 The president of the National Authority for Regulating and Monitoring of Public Procurement shall be entitled to issue orders for:</p> <ul style="list-style-type: none"> <li>a) the approval of standard documentation used in the awarding procedures;</li> <li>b) the approval of specific forms used in the awarding procedures or in the monitoring process;</li> <li>c) the approval of interpretation notes, on general or particular issues, regarding the provisions of the emergency ordinance and/or the present Decision.</li> </ul>
na	na	na	na	(Single article of GD-1660/2006)	<p>Norms of enforcement of the provisions referring to the award of public procurement contracts by electronic means which provide the specific technical and organizational framework, as well as the unitary methodology for the organization and conducting of procedures for awarding the public procurement contracts by electronic means, regulated under Government Emergency Ordinance No. 34/2006 regarding the award of the public procurement contracts, public works concession contracts and services concession contracts, provided in the Annex which constitutes integral part</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
82	<p>Article 82 Repeals Directive 92/50/EEC, except for Article 41 thereof, and Directives 93/36/EEC and 93/37/EEC shall be repealed with effect from the date shown in Article 80, without prejudice to the obligations of the Member States concerning the deadlines for transposition and application set out in Annex XI. References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XII.</p> <p><i>[Regulation 2083/2005, Article 3] Commission Regulation (EC) No 1874/2004 [4] shall hereby be repealed from 1 January 2006. References to the repealed Regulation shall be construed as references to this Regulation.</i></p>	73	<p>Article 73 Repeal Directive 93/38/EEC is hereby repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law set out in Annex XXV. References to the repealed Directive shall be construed as being made to this Directive and shall be read in accordance with the correlation table in Annex XXVI.</p> <p><i>[Regulation 2083/2005, Article 3] Commission Regulation (EC) No 1874/2004 [4] shall hereby be repealed from 1 January 2006. References to the repealed Regulation shall be construed as references to this Regulation.</i></p>	305	<p>Article 305 Upon the entering into force of the present law the following are abrogated:</p> <ul style="list-style-type: none"> <li>a) Law 219/1998 on concessions regime, with subsequent modifications and completions, as well as the normative acts issued for it's application;</li> <li>b) Government Emergency Ordinance 60/2001 on public procurement, with subsequent modifications and completions, as well as the normative acts issued for it's application;</li> <li>c) Article 5 paragraph (6) and (7) from GO no. 80/2001 regarding the setting up some expenses normative for the authorities of the public administration and public institutions, approved by Law no. 247/2002 with the subsequent modifications and completions;</li> <li>d) Government Ordinance 16/2002 on public-private contracts, with subsequent modifications and completions, as well as the normative acts issued for it's application;</li> <li>e) Government Ordinance 20/2002 on public procurement through electronic means, with subsequent modifications and completions, as well as the normative acts issued for</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>it's application;</p> <p>f) Article 3 of Government Emergency Ordinance 34/2005 on designating the National Agency for Housing to perform activities of construction and/or rehabilitation of households in areas affected by calamities;</p> <p>g) Government Decision 1186/2001 approving the procedures for public procurement of goods and services implying national defence, public order, with subsequent modifications and completions.</p> <p>h) Article 7 of Government Decision 273/2003 on establishing subsidiaries, commercial companies for repairs and services through the reorganisation of some activities within S.C. Termoelectrica SA;</p> <p>i) The point 3.12 of the Annex of Government Decision 1293/2003 for the approval of the Mandate on implementing the strategy of privatisation of the companies/national companies and commercial companies functioning under the authority of the Ministry for Transport, Constructions and Tourism;</p>
83	<p>Article 83</p> <p>Entry into force</p> <p>This Directive shall enter into force on the day of its publication in</p>	74	<p>Article 74</p> <p>Entry into force</p> <p>This Directive shall enter into force on the day of its publication in</p>	307	<p>Article 307</p> <p>(1) The present law shall enter into force on the 30th of June 2006.</p> <p>(2) By exception to the provisions</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>the Official Journal of the European Union.</p> <p><i>[Directive 2005/75, Article 3]</i> This Directive shall enter into force on the day of its publication in the Official Journal of the European Union.</p> <p><i>[Regulation 1874/2004, Article 3.1]</i> This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.</p> <p><i>[Regulation 1564/2005, Article 3]</i> This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.</p> <p><i>[Directive 51/2005, Article 4]</i> This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.</p> <p><i>[Regulation 2083/2005, Article 4.1]</i> This Regulation shall enter into force on 1 January 2006.</p>		<p>the Official Journal of the European Union.</p> <p><i>[Regulation 1874/2004, Article 3.1]</i> This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.</p> <p><i>[Regulation 1564/2005, Article 3]</i> This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.</p> <p><i>[Directive 51/2005, Article 4]</i> This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.</p> <p><i>[Regulation 2083/2005, Article 4.1]</i> This Regulation shall enter into force on 1 January 2006.</p>		<p>of paragraph (1):</p> <p>a) the provisions of art. 14 paragraph (3) and art. 254 shall enter into force beginning with January 1st, 2007.</p> <p>b) The provisions of art 257 paragraph (1) shall enter into force beginning with the date of publication of the present law in the Official Gazette of Romania.</p>
84	<p>Article 84</p> <p>Addressees</p> <p>This Directive is addressed to the Member States.</p>	75	<p>Article 75</p> <p>Addressees</p> <p>This Directive is addressed to the Member States.</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p><i>[Directive 2005/75, Article 4]</i> This Directive is addressed to the Member States.</p> <p><i>[Regulation 1874/2004, Article 3.1]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p><i>[Regulation 1564/2005, Article 3]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p><i>[Directive 51/2005, Article 4]</i> This Directive is addressed to the Member States.</p> <p><i>[Regulation 2083/2005, Article 4.2]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>		<p><i>[Decision 2005/15, Article 3]</i> This Decision is addressed to the Member States.</p> <p><i>[Regulation 1874/2004, Article 3.1]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p><i>[Regulation 1564/2005, Article 3]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p><i>[Directive 51/2005, Article 4]</i> This Directive is addressed to the Member States.</p> <p><i>[Regulation 2083/2005, Article 4.2]</i> This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>		
na	na	na	na		<p>CHAPTER XI</p> <p>Final and transitory provisions</p> <p>Article 297</p> <p>Unless the present law does not provide otherwise, the provisions of the common law are applied.</p>
na	na	na	na	298	<p>Article 298</p> <p>The contracts and the awarding procedures ongoing at the time the present law will enter into force shall</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					be completed in accordance with the legal provisions in force at the moment of their initiation.
na	na	na	na	(Article 102 of GD-925/2006, as amended by GD-1056/2006)	Chapter X Final and transitory provisions  Article 102 <i>With regard to the provisions of Article 298 of the Urgency Ordinance, award procedure being carried out refers to any procedure for which a procurement notice, or as the case may be, an invitation for participation was communicated up until the date of 29 June 2006, inclusively.</i>
na	na	na	na	299	Article 299 (1) Until December 31st, 2006, the contracting authority has the obligation to transmit for publication the notices provided by art. 47 paragraph (1) only to the Official Journal of Romania. (2) In the case provided by paragraph (1), the contracting authority has the obligation to respect the minimum time periods provided by the present law between the date of transmission for publication and the date of submitting tenders or, by case, the date of submitting candidatures. (3) Without prejudice to paragraph (1), until December 31st, 2006, the contracting authority has the right to

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					transmit for publication the notices provided by art. 47 paragraph (1) also to the Official Journal of the European Union and/or ESPP.
na	na	na	na	300	<p>Article 300</p> <p>(1) The contracting authority has the obligation to submit to the National Authority for Regulating and Monitoring Public Procurement any required information regarding the application if the awarding procedures.</p> <p>(2) The National Council for remedies has the obligation to transmit to the National Authority for Regulating and Monitoring Public Procurement:</p> <p>a) the report provided for by art. 259, to acknowledge its presentation before the Parliament; and</p> <p>b) any other information that it requires regarding the adopted decisions that concern the remedies.</p>
na	na	na	na	304	<p>Article 304</p> <p>(1) By Government decision there can be established the situations and modalities in which the economic operator and the contracting authority have the right to apply for a conciliation procedure.</p> <p>(2) By Government Decision, the Government can set up the modalities which in the contracting authorities have the right to utilize, in order to</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					award sectoral contracts, preliminary qualification systems.
na	na	na	na	304-bis1 (amended by L337/2006, point 51)	Article 304-1 <i>Starting with January 1 2007, the National Authority for Regulating and Monitoring Public Procurement is in charge with the administration of the Register for Monitoring Public Procurement Contracts, where the contracts worth more than 100.000 Euro are registered in.</i>
na	na	na	na	306	Article 306 The annex no. 1, 2 and 3 are integrated parts of the present law.
				(Article 107 of GD-925/2006)	Article 107 Annexes no. 1 and 2 are a constituent part of the present Decision.
I	<p>ANNEX I LIST OF THE ACTIVITIES REFERRED TO IN ARTICLE 1(2), POINT (b)(1) &gt;TABLE&gt; [Public works contracts] (1) In the event of any difference of interpretation between the CPV and the NACE, the NACE nomenclature will apply.</p> <p>NACE (1) (1) In the event of any difference of interpretation between the CPV and the NACE, the NACE nomenclature will apply.</p>	XII	<p>ANNEX XII LIST OF ACTIVITIES AS SET OUT IN ARTICLE 1(2), (b)(1) &gt;TABLE&gt; [Public works contracts] (1) In the event of any difference of interpretation between the CPV and the NACE, the NACE nomenclature will apply.</p> <p>NACE (1) (1) In the event of any difference of interpretation between the CPV and the NACE, the NACE nomenclature will apply. CPV code SECTION F</p>	Annex 1	<p>ANNEX 1</p> <p>NACE1 CPV code Section F Construction Division Group Class Description Notes 45 Construction This division includes: 45000000 - construction of new buildings and works, restoring and repairs 45.1 Site preparation 45100000 45.11 Demolition wrecking of buildings and earth moving This class includes: 45110000 - demolition of buildings and other structures</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>CPV code SECTION F CONSTRUCTION Division Group Class Subject Notes</p> <p>45 Construction 45000000 This division includes: construction of new buildings and works, restoring and common repairs 45.1 Site preparation 45100000 45.11 Demolition and wrecking of buildings; earth moving 45110000 This class includes: - demolition of buildings and other structures - clearing of building sites - earth moving: excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc. - site preparation for mining: - overburden removal and other development and preparation of mineral properties and sites This class also includes: - building site drainage - drainage of agricultural or forestry land 45.12 Test drilling and boring 45120000 This class includes: - test drilling, test boring and core sampling for construction, geophysical, geological or similar</p>		<p>CONSTRUCTION Division Group Class Subject Notes</p> <p>45 Construction 45000000 This division includes: construction of new buildings and works, restoring and common repairs 45.1 Site preparation 45100000 45.11 Demolition and wrecking of buildings; earth moving 45110000 This class includes: - demolition of buildings and other structures - clearing of building sites - earth moving: excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc. - site preparation for mining: - overburden removal and other development and preparation of mineral properties and sites This class also includes: - building site drainage - drainage of agricultural or forestry land 45.12 Test drilling and boring 45120000 This class includes: - test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes</p>		<p>- clearing and building sites - earth moving: excavation, landfill, levelling and grading the construction sites, trench digging, rock removal, blasting - site preparation for mining, including overburden removal and development and preparation of mineral properties or sites - building site drainage - drainage of agricultural and forestry land 45.12 Drilling and boring This class includes: 45120000 - test drilling, foraje boring and core sampling for construction, geophysical, geological or for similar purposes This class does not include: - drilling of production oil or gas wells, classified in 11.20 - water well drilling, classified in 45.25 - shaft sinking, classified in 45.25 - oil and gas field exploration, geophysical, geological and seismic surveying, classified in 74.20 45.2 Buildings of complete constructions or parts thereof and civil engineering 45200000 45.21 General constructions or buildings and civil engineering works This class includes: 45210000 - construction of all types of</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>purposes</p> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>- drilling of production oil or gas wells, see 11.20</li> <li>- water well drilling, see 45.25</li> <li>- shaft sinking, see 45.25</li> <li>- oil and gas field exploration, geophysical, geological and seismic surveying, see 74.20</li> </ul> <p>45.2 Building of complete constructions or parts thereof; civil engineering 45200000</p> <p>45.21 General construction of buildings and civil engineering works 45210000</p> <p>This class includes:</p> <p>construction of all types of buildings</p> <p>construction of civil engineering constructions:</p> <p>bridges, including those for elevated highways, viaducts, tunnels and subways</p> <p>long-distance pipelines, communication and power lines</p> <p>urban pipelines, urban communication and power lines; ancillary urban works</p> <p>assembly and erection of prefabricated constructions on the site</p> <p>This class excludes:</p> <p>service activities incidental to oil and gas extraction, see 11.20</p> <p>erection of complete prefabricated</p>		<p>This class excludes:</p> <ul style="list-style-type: none"> <li>- drilling of production oil or gas wells, see 11.20</li> <li>- water well drilling, see 45.25</li> <li>- shaft sinking, see 45.25</li> <li>- oil and gas field exploration, geophysical, geological and seismic surveying, see 74.20</li> </ul> <p>45.2 Building of complete constructions or parts thereof; civil engineering 45200000</p> <p>45.21 General construction of buildings and civil engineering works 45210000</p> <p>This class includes:</p> <p>construction of all types of buildings</p> <p>construction of civil engineering constructions:</p> <p>bridges, including those for elevated highways, viaducts, tunnels and subways</p> <p>long-distance pipelines, communication and power lines</p> <p>urban pipelines, urban communication and power lines; ancillary urban works</p> <p>assembly and erection of prefabricated constructions on the site</p> <p>This class excludes:</p> <p>service activities incidental to oil and gas extraction, see 11.20</p> <p>erection of complete prefabricated constructions from self-</p>		<p>buildings</p> <ul style="list-style-type: none"> <li>- construction of civil engineering constructions: bridges, including those for elevated highways, viaducts, tunnels and subways</li> <li>- long-distance pipelines, communication and power lines</li> <li>- urban pipelines, urban communication and power lines; ancillary urban works</li> <li>- assembly and erection of prefabricated constructions on the site</li> </ul> <p>This class does not include:</p> <ul style="list-style-type: none"> <li>- service activities incidental to oil and gas extraction, classified in 11.20</li> <li>- erection of complete prefabricated constructions from self-manufactured parts not of concrete, classified in 20,26 and 28</li> <li>- construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, classified in 45.23</li> <li>- building installation</li> <li>- building completion, classified in 45.4</li> <li>- architectural and engineering activities, classified in see 74.20</li> <li>- project management for construction, classified in see 74.20</li> </ul> <p>45.22 Erection of roof covering and frames This class includes: 45220000</p> <ul style="list-style-type: none"> <li>- erection of roofs</li> </ul>

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	<p>constructions from self-manufactured parts not of concrete, see divisions 20, 26 and 28</p> <p>construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, see 45.23</p> <p>building installation, see 45.3</p> <p>building completion, see 45.4</p> <p>architectural and engineering activities, see 74.20</p> <p>project management for construction, see 74.20</p> <p>45.22 Erection of roof covering and frames 45220000</p> <p>This class includes:</p> <ul style="list-style-type: none"> <li>erection of roofs</li> <li>roof covering</li> <li>waterproofing</li> </ul> <p>45.23 Construction of highways, roads, airfields and sports facilities 45230000</p> <p>This class includes:</p> <ul style="list-style-type: none"> <li>construction of highways, streets, roads,</li> <li>other vehicular and pedestrian ways</li> <li>construction of railways</li> <li>construction of airfield runways</li> <li>construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations</li> </ul>		<p>manufactured parts not of concrete, see divisions 20, 26 and 28</p> <p>construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, see 45.23</p> <p>building installation, see 45.3</p> <p>building completion, see 45.4</p> <p>architectural and engineering activities, see 74.20</p> <p>project management for construction, see 74.20</p> <p>45.22 Erection of roof covering and frames 45220000</p> <p>This class includes:</p> <ul style="list-style-type: none"> <li>erection of roofs</li> <li>roof covering</li> <li>waterproofing</li> </ul> <p>45.23 Construction of highways, roads, airfields and sports facilities 45230000</p> <p>This class includes:</p> <ul style="list-style-type: none"> <li>construction of highways, streets, roads,</li> <li>other vehicular and pedestrian ways</li> <li>construction of railways</li> <li>construction of airfield runways</li> <li>construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations</li> <li>painting of markings on road</li> </ul>		<ul style="list-style-type: none"> <li>- roof covering</li> <li>- waterproofing</li> </ul> <p>45.23 Construction of highways, roads, airfields and sports facilities</p> <p>This class includes: 45230000</p> <ul style="list-style-type: none"> <li>- construction of highways, streets, roads,</li> <li>other vehicular and pedestrian ways</li> <li>- construction of railways</li> <li>- construction of airfield runways</li> <li>- construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations</li> <li>- painting of markings on road surfaces and car parks</li> </ul> <p>This class does not include:</p> <ul style="list-style-type: none"> <li>- preliminary earth moving, classified in 45.11</li> </ul> <p>45.24 Construction of water projects</p> <p>This class includes: 45240000</p> <ul style="list-style-type: none"> <li>- construction of waterways, harbour and river works, pleasure ports, locks etc.</li> <li>- construction of dams and dykes</li> <li>- construction of subsurface work</li> <li>- dredging</li> </ul> <p>45.25 Other construction work involving special trades</p> <p>This class includes: 45250000</p> <ul style="list-style-type: none"> <li>- construction activities specialising</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>painting of markings on road surfaces and car parks</p> <p>This class excludes:</p> <p>preliminary earth moving, see 45.11</p> <p>45.24 Construction of water projects 45240000</p> <p>This class includes:</p> <p>construction of:</p> <p>waterways, harbour and river works, pleasure ports (marinas), locks, etc.</p> <p>dams and dykes</p> <p>dredging</p> <p>subsurface work</p> <p>45.25 Other construction work involving special trades 45250000</p> <p>This class includes:</p> <p>construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment:</p> <p>construction of foundations, including pile driving</p> <p>water well drilling and construction, shaft sinking</p> <p>erection of non-self-manufactured steel elements</p> <p>steel bending</p> <p>bricklaying and stone setting</p> <p>scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms</p> <p>erection of chimneys and industrial ovens</p>		<p>surfaces and car parks</p> <p>This class excludes:</p> <p>preliminary earth moving, see 45.11</p> <p>45.24 Construction of water projects 45240000</p> <p>This class includes:</p> <p>construction of:</p> <p>waterways, harbour and river works, pleasure ports (marinas), locks, etc.</p> <p>dams and dykes</p> <p>dredging</p> <p>subsurface work</p> <p>45.25 Other construction work involving special trades 45250000</p> <p>This class includes:</p> <p>construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment:</p> <p>construction of foundations, including pile driving</p> <p>water well drilling and construction, shaft sinking</p> <p>erection of non-self-manufactured steel elements</p> <p>steel bending</p> <p>bricklaying and stone setting</p> <p>scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms</p> <p>erection of chimneys and industrial ovens</p> <p>This class excludes:</p>		<p>in one aspect common to different kinds of structures, requiring specialised skill or equipment:</p> <ul style="list-style-type: none"> <li>- construction of foundations, including pile driving</li> <li>- water well drilling and construction, shaft sinking</li> <li>- erection of non-self-manufactured steel elements</li> <li>- steel bending</li> <li>- bricklaying and stone setting</li> <li>- scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms</li> <li>- erection of chimneys and industrial ovens</li> </ul> <p>This class does not include:</p> <ul style="list-style-type: none"> <li>- renting of scaffolds without erection and dismantling, classified in 71.32</li> </ul> <p>45.3 Building installation 45300000</p> <p>45.31 Installation of electrical wiring and fittings This class includes: 45310000</p> <ul style="list-style-type: none"> <li>- installation in buildings or other constructions of:</li> <li>- electrical wiring and fittings</li> <li>- telecommunication systems</li> <li>- electrical heating systems</li> <li>- residential antennas and aerials</li> </ul>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>This class excludes:  renting of scaffolds without erection and dismantling, see 71.32  45.3 Building installation 45300000  45.31 Installation of electrical wiring and fittings 45310000  This class includes:  installation in buildings or other construction projects of:  electrical wiring and fittings  telecommunications systems  electrical heating systems  residential antennas and aerials  fire alarms  burglar alarm systems  lifts and escalators  lightning conductors, etc.  45.32 Insulation work activities 45320000  This class includes:  installation in buildings or other construction projects of thermal, sound or vibration insulation  This class excludes:  waterproofing, see 45.22  45.33 Plumbing 45330000  This class includes:  installation in buildings or other construction projects of:  plumbing and sanitary equipment  gas fittings  heating, ventilation, refrigeration or airconditioning  equipment and ducts</p>		<p>renting of scaffolds without erection and dismantling, see 71.32  45.3 Building installation 45300000  45.31 Installation of electrical wiring and fittings 45310000  This class includes:  installation in buildings or other construction projects of:  electrical wiring and fittings  telecommunications systems  electrical heating systems  residential antennas and aerials  fire alarms  burglar alarm systems  lifts and escalators  lightning conductors, etc.  45.32 Insulation work activities 45320000  This class includes:  installation in buildings or other construction projects of thermal, sound or vibration insulation  This class excludes:  waterproofing, see 45.22  45.33 Plumbing 45330000  This class includes:  installation in buildings or other construction projects of:  plumbing and sanitary equipment  gas fittings  heating, ventilation, refrigeration or airconditioning  equipment and ducts  sprinkler systems</p>		<p>- fire alarms  - burglar alarm systems  - lift and escalators  - lighting conductors etc.  45.32 Insulation work activities This class includes: 45320000  - installation in buildings or other construction projects of thermal, sound or vibration insulation  This class does not include:  - waterproofing, classified in 45.22  45.33 Plumbing This class includes: 45330000  - installation in buildings or other construction projects of:  - plumbing and sanitary equipment  - gas fittings  - heating, ventilation, refrigeration or air conditioning equipment and ducts  - sprinkler systems  This class does not include:  - installation of electrical heating system, classified in 45.31  45.34 Other building installation This class includes: 45340000  - installation of illumination and signalling systems for roads, railways, airports and harbours  - installation in buildings or other construction projects of fittings and fixtures n.e.c.  45.4 Building completion 45400000  45.41 Plastering This class includes:</p>

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	<p>sprinkler systems</p> <p>This class excludes:</p> <p>installation of electrical heating systems, see 45.31</p> <p>45.34 Other building installation 45340000</p> <p>This class includes:</p> <p>installation of illumination and signalling systems for roads, railways, airports and harbours</p> <p>installation in buildings or other construction projects of fittings and fixtures n.e.c.</p> <p>45.4 Building completion 45400000</p> <p>45.41 Plastering 45410000</p> <p>This class includes:</p> <p>application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials</p> <p>45.42 Joinery installation 45420000</p> <p>This class includes:</p> <p>installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials</p> <p>interior completion such as ceilings, wooden wall coverings, movable partitions, etc.</p> <p>This class excludes:</p> <p>laying of parquet and other wood floor coverings, see 45.43</p> <p>45.43 Floor and wall covering</p>		<p>This class excludes:</p> <p>installation of electrical heating systems, see 45.31</p> <p>45.34 Other building installation 45340000</p> <p>This class includes:</p> <p>installation of illumination and signalling systems for roads, railways, airports and harbours</p> <p>installation in buildings or other construction projects of fittings and fixtures n.e.c.</p> <p>45.4 Building completion 45400000</p> <p>45.41 Plastering 45410000</p> <p>This class includes:</p> <p>application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials</p> <p>45.42 Joinery installation 45420000</p> <p>This class includes:</p> <p>installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials</p> <p>interior completion such as ceilings, wooden wall coverings, movable partitions, etc.</p> <p>This class excludes:</p> <p>laying of parquet and other wood floor coverings, see 45.43</p> <p>45.43 Floor and wall covering 45430000</p>		<p>45410000</p> <p>- application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials</p> <p>45.42 Joinery installation This class includes: 45420000</p> <p>- installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials</p> <p>- interior completion such as ceilings, wooden wall coverings, movable partitions, etc.</p> <p>This class does not include:</p> <p>- laying of parquet and other wood floor coverings, classified in 45.43</p> <p>45.43 Floor and wall covering This class includes: 45430000</p> <p>- laying, tiling, hanging or fitting in buildings or other construction projects of:</p> <p>- ceramic, concrete or cut stone wall or floor tiles</p> <p>- parquet and other wood floor coverings</p> <p>- carpets and linoleum floor coverings, including of rubber or plastic</p> <p>- terrazzo, marble, granite or slate floor or wall coverings</p> <p>- wallpaper</p> <p>45.44 Painting and glazing This</p>

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	<p>45430000 This class includes: laying, tiling, hanging or fitting in buildings or other construction projects of: ceramic, concrete or cut stone wall or floor tiles parquet and other wood floor coverings carpets and linoleum floor coverings, including of rubber or plastic terrazzo, marble, granite or slate floor or wall coverings wallpaper 45.44 Painting and glazing 45440000 This class includes: interior and exterior painting of buildings painting of civil engineering structures installation of glass, mirrors, etc This class excludes: installation of windows, see 45.42 45.45 Other building completion 45450000 This class includes: installation of private swimming pools steam cleaning, sand blasting and similar activities for building exteriors other building completion and finishing work n.e.c.</p>		<p>This class includes: laying, tiling, hanging or fitting in buildings or other construction projects of: ceramic, concrete or cut stone wall or floor tiles parquet and other wood floor coverings carpets and linoleum floor coverings, including of rubber or plastic terrazzo, marble, granite or slate floor or wall coverings wallpaper 45.44 Painting and glazing 45440000 This class includes: interior and exterior painting of buildings painting of civil engineering structures installation of glass, mirrors, etc This class excludes: installation of windows, see 45.42 45.45 Other building completion 45450000 This class includes: installation of private swimming pools steam cleaning, sand blasting and similar activities for building exteriors other building completion and finishing work n.e.c. This class excludes:</p>		<p>class includes: 45440000 - interior and exterior painting of buildings - painting of civil engineering structures - installation of glass, mirrors, etc This class does not include: - installation of windows, classified in 45.42 45.45 Other building completion This class includes: 45450000 - installation of private swimming pools - steam cleaning, sand blasting and similar activities for building exteriors - other building completion and finishing work n.e.c. This class does not include: - interior cleaning of buildings and other structures, classified 74.70 45.5 Renting of construction or demolition equipment with operator 45500000 45.50 Renting of construction or demolition equipment with operator This class does not include: - renting of construction or demolition equipment with operator renting of construction or demolition machinery and equipment without operators, classified in 71.32  1 Council Regulation (EEC) No</p>

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	<p>This class excludes: interior cleaning of buildings and other structures, see 74.70 45.5 Renting of construction or demolition equipment with operator 45500000 45.50 Renting of construction or demolition equipment with operator 45500000</p> <p>This class excludes: renting of construction or demolition machinery and equipment without operators, see 71.32 (1) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1). Regulation as amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ L 83, 3.4.1993, p. 1).</p>		<p>interior cleaning of buildings and other structures, see 74.70 45.5 Renting of construction or demolition equipment with operator 45500000 45.50 Renting of construction or demolition equipment with operator 45500000</p> <p>This class excludes: renting of construction or demolition machinery and equipment without operators, see 71.32 (1) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1). Regulation as amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ L 83, 3.4.1993, p. 1).</p>		<p>3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1). Regulation as amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ L 83, 3.4.1993, p. 1).</p>
II.A	<p>ANNEX II SERVICES REFERRED TO IN ARTICLE 1(2)(d)</p> <p>ANNEX II A(1) (1) In the event of any difference of interpretation between the CPV and the CPC, the CPC nomenclature will apply. Category No, Subject, CPC Reference No (1), CPV Reference No</p>	XVII.A	<p>ANNEX XVII A (1) SERVICES WITHIN THE MEANING OF ARTICLE 31 (1) In the event of any difference of interpretation between the CPV and the CPC, the CPC nomenclature will apply.</p> <p>1 Maintenance and repair services - 6112, 6122, 633, 886 - From 50100000 to 50982000 (except for 50310000 to 50324200 and</p>	Annex 2A	<p>ANNEX 2A</p> <p>Category Description CPC1 CPV 1 Maintenance and repair services 6112, 6122, 633, 886 From 50100000 to 50982000, except for: - 50310000 to 50324200 - 50116510-9 - 50190000-3 - 50229000-6 - 50243000-0</p>

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	<p>1 Maintenance and repair services - 6112, 6122, 633, 886 - From 50100000 to 50982000 (except for 50310000 to 50324200 and 50116510-9, 50190000-3, 50229000-6, 50243000-0)</p> <p>2 Land transport services (2), including armoured car services, and courier services, except transport of mail - 712 (except 71235), 7512, 87304 - From 60112000-6 to 60129300-1 (except 60121000 to 60121600, 60122200-1, 60122230-0), and from 64120000-3 to 64121200-2</p> <p>3 Air transport services of passengers and freight, except transport of mail - 73 (except 7321) - From 62100000-3 to 62300000-5 (except 62121000-6, 62221000-7)</p> <p>4 Transport of mail by land (3) and by air - 71235, 7321 - 60122200-1, 60122230-0 62121000-6, 62221000-7</p> <p>5 Telecommunications services - 752 - From 64200000-8 to 64228200-2, 72318000-7, and from 72530000-9 to 72532000-3</p> <p>6 Financial services: (a) Insurance services, (b) Banking and investment services (4) - ex 81, 812, 814 - From 66100000-1 to 66430000-3 and from 67110000-1 to 67262000-1 (4)</p>		<p>50116510-9, 50190000-3, 50229000-6, 50243000-0)</p> <p>2 Land transport services (2), including armoured car services, and courier services, except transport of mail - 712 (except 71235), 7512, 87304 - From 60112000-6 to 60129300-1 (except 60121000 to 60121600, 60122200-1, 60122230-0), and from 64120000-3 to 64121200-2</p> <p>3 Air transport services of passengers and freight, except transport of mail - 73 (except 7321) - From 62100000-3 to 62300000-5 (except 62121000-6, 62221000-7)</p> <p>4 Transport of mail by land (2) and by air - 71235, 7321 - 60122200-1, 60122230-0, 62121000-6, 62221000-7</p> <p>5 Telecommunications services - 752 - From 64200000-8 to 64228200-2, 72318000-7, and from 72530000-9 to 72532000-3</p> <p>6 Financial services: (a) Insurance services, (b) Banking and investment services (3) ex 81, 812, 814 - From 66100000-1 to 66430000-3 and From 67110000-1 to 67262000-1 (3)</p> <p>7 Computer and related services - 84 - From 50300000-8 to 50324200-4, From 72100000-6 to 72591000-4 (except 72318000-7</p>		<p>2 Land transport service<sup>2</sup>, including armoured car services and courier services, except transport of mail 712 (with exception of 71235), 7512, 87304 From 60112000-6 to 60129300-1, except for: - 60121000 to 60121600 - 60122200-1 - 60122230-0 From 64120000-3 to 64121200-2</p> <p>3 Air transport services of passengers and freight, except transport of mail 73 (with exception of 7321) From 62100000-3 to 62300000-5 except for: - 62121000-6 - 62221000-7- 4 Transport of mail by land<sup>3</sup> and by air 71235, 7321 60122200-1 60122230-0 62121000-6 62221000-7</p> <p>5 Telecommunication services<sup>3</sup> 752 From 64200000-8 to 64228200-2 72318000-7 From 72530000-9 to 72532000-3</p> <p>6 Financial services ex 81, 812, 814 From 66100000-1 to 66430000-3 From 67110000-1 to 67262000-14 (a) Insurance services (b) banking and investment services<sup>4</sup></p>



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	<p>7 Computer and related services - 84 - From 50300000-8 to 50324200-4, From 72100000-6 to 72591000-4 (except 72318000-7 and from 72530000-9 to 72532000-3)</p> <p>8 Research and development services (5) - 85 - From 73000000-2 to 73300000-5 (except 73200000-4, 73210000-7, 7322000-0)</p> <p>9 Accounting, auditing and bookkeeping services - 862 - From 74121000-3 to 74121250-0</p> <p>10 Market research and public opinion polling services - 864 - From 74130000-9 to 74133000-0, and 74423100-1, 74423110-4</p> <p>11 Management consulting services (6) and related services - 865, 866 - From 73200000-4 to 73220000-0, From 74140000-2 to 74150000-5 (except 74142200-8), and 74420000-9, 74421000-6, 74423000-0, 74423200-2, 74423210-5, 74871000-5, 93620000-0</p> <p>12 Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services - 867 - From</p>		<p>and from 72530000-9 to 72532000-3)</p> <p>8 Research and development services (4) - 85 - From 73000000-2 to 73300000-5 (except 73200000-4, 73210000-7, 7322000-0)</p> <p>9 Accounting, auditing and bookkeeping services - 862 - From 74121000-3 to 74121250-0</p> <p>10 Market research and public opinion polling services - 864 - From 74130000-9 to 74133000-0, and 74423100-1, 74423110-4</p> <p>11 Management consulting services (5) and related services - 865, 866 - From 73200000-4 to 73220000-0, From 74140000-2 to 74150000-5 (except 74142200-8), and 74420000-9, 74421000-6, 74423000-0, 74423200-2, 74423210-5, 74871000-5, 93620000-0</p> <p>12 Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services - 867 - From 74200000-1 to 74276400-8, and From 74310000-5 to 74323100-0, and 74874000-6</p> <p>13 Advertising services - 871 -</p>		<p>7 Computer and related services 84 From 50300000-8 to 50324200-4, From 72100000-6 to 72591000-4 , except for: - 72318000-7 - from 72530000-9 to 72532000-3</p> <p>8 Research and development services 85 From 73000000-2 to 73300000-5 except for: - 73200000-4 - 73210000-7 - 7322000-0</p> <p>9 Accounting, auditing and bookkeeping services 862 From 74121000-3 to 74121250-0</p> <p>10 Market research and public opinion pooling services 864 From 74130000-9 to 74133000-0 74423100-1 74423110-4</p> <p>11 Management consulting services 6 and related services 865, 866 From 73200000-4 to 73220000-0 From 74140000-2 to 74150000-5 (except for 74142200-8) 74420000-9 74421000-6 74423000-0 74423200-2 74423210-5 74871000-5 93620000-0</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>74200000-1 to 74276400-8, and from 74310000-5 to 74323100-0, and 74874000-6</p> <p>13 Advertising services - 871 - From 74400000-3 to 74422000-3 (except 74420000-9 and 74421000-6)</p> <p>14 Building-cleaning services and property management services - 874, 82201 to 82206 - From 70300000-4 to 70340000-6, and from 74710000-9 to 74760000-4</p> <p>15 Publishing and printing services on a fee or contract basis - 88442 - From 78000000-7 to 78400000-1</p> <p>16 Sewage and refuse disposal services; sanitation and similar services - 94 - From 90100000-8 to 90320000-6, and 50190000-3, 50229000-6, 50243000-0</p> <p>(1) CPC Nomenclature (provisional version), used to define the scope of Directive 92/50/EEC.</p> <p>(2) Except for rail transport services covered by category 18.</p> <p>(3) Except for rail transport services covered by category 18.</p> <p>(4) Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Also</p>		<p>From 74400000-3 to 74422000-3 (except 74420000-9 and 74421000-6)</p> <p>14 Building-cleaning services and property management services - 874, 82201 to 82206 - From 70300000-4 to 70340000-6, and From 74710000-9 to 74760000-4</p> <p>15 Publishing and printing services on a fee or contract basis - 88442 - From 78000000-7 to 78400000-1</p> <p>16 Sewage and refuse disposal services; sanitation and similar services - 94 From 90100000-8 to 90320000-6, and 50190000-3, 50229000-6, 50243000-0</p> <p>(1) CPC Nomenclature (provisional version), used to define the scope of Directive 93/38/EEC.</p> <p>(2) Except for rail transport services covered by category 18.</p> <p>(3) Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Also excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the</p>		<p>12 Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services</p> <p>867 From 74200000-1 to 74276400-8 From 74310000-5 to 74323100-0 74874000-6</p> <p>13 Advertising services 871 From 74400000-3 la 74422000-3 except for:</p> <p>- 74420000-9</p> <p>- 74421000-6</p> <p>14 Building-cleaning services and property management services 874, 82201 to 82206 From 70300000-4 to 70340000-6 From 74710000-9 to 74760000-4</p> <p>15 Publishing and printing services on a fee or contract basis 88442 From 78000000-7 to 78400000-1</p> <p>16 Sewage and refuse disposal services; sanitation and similar services 94 From 90100000-8 to 90320000-6 50190000-3 50229000-6 50243000-0</p> <p>1 CPC Nomenclature (provisional version), used to define the scope of</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive.</p> <p>(5) Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.</p> <p>(6) Except arbitration and conciliation services.</p>		<p>same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive.</p> <p>(4) Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.</p> <p>(5) Except arbitration and conciliation services.</p>		<p>Directive 92/50/EEC.</p> <p>2 Except for rail transport services covered by category 18.</p> <p>3 Except for rail transport services covered by category 18.</p> <p>4 Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services.</p> <p>Also excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this law.</p> <p>5 Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.</p> <p>6 Except arbitration and conciliation services.</p>
II.B	ANNEX II B Category No, Subject, CPC	XVII.B	ANNEX XVII B SERVICES WITHIN THE	Annex 2B	ANNEX 2 B

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>Reference No, CPV Reference No 17 Hotel and restaurant services - 64 - From 55000000-0 to 55524000-9, and From 93400000-2 to 93411000-2</p> <p>18 Rail transport services - 711 - 60111000-9, and from 60121000-2 to 60121600-8</p> <p>19 Water transport services - 72 - From 61000000-5 to 61530000-9, and From 63370000-3 to 63372000-7</p> <p>20 Supporting and auxiliary transport services - 74 - 62400000-6, 62440000-8, 62441000-5, 62450000-1, From 63000000-9 to 63600000-5 (except 63370000-3, 63371000-0, 63372000-7), and 74322000-2, 93610000-7</p> <p>21 Legal services - 861 - From 74110000-3 to 74114000-1</p> <p>22 Personnel placement and supply services (1) - 872 - From 74500000-4 to 74540000-6 (except 74511000-4), and from 95000000-2 to 95140000-5</p> <p>23 Investigation and security services, except armoured car services - 873 (except 87304) - From 74600000-5 to 74620000-1</p> <p>24 Education and vocational education services - 92 - From 80100000-5 to 80430000-7</p> <p>25 Health and social services -</p>		<p>MEANING OF ARTICLE 32</p> <p>17 Hotel and restaurant services - 64 - From 55000000-0 to 55524000-9, and From 93400000-2 to 93411000-2</p> <p>18 Rail transport services - 711 - 60111000-9, and from 60121000-2 to 60121600-8</p> <p>19 Water transport services - 72 - From 61000000-5 to 61530000-9, and From 63370000-3 to 63372000-7</p> <p>20 Supporting and auxiliary transport services - 74 - 62400000-6, 62440000-8, 62441000-5, 62450000-1, From 63000000-9 to 63600000-5 (except 63370000-3, 63371000-0, 63372000-7), and 74322000-2, 93610000-7</p> <p>21 Legal services - 861 - From 74110000-3 to 74114000-1</p> <p>22 Personnel placement and supply services (1) - 872 - From 74500000-4 to 74540000-6 (except 74511000-4), and from 95000000-2 to 95140000-5</p> <p>23 Investigation and security services, except armoured car services - 873 (except 87304) - From 74600000-5 to 74620000-1</p> <p>24 Education and vocational education services - 92 - From 80100000-5 to 80430000-7</p> <p>25 Health and social services -</p>		<p>Category Description CPC1 CPV 17 Hotel and restaurant services 64 From 55000000-0 to 55524000-9 From 93400000-2 to 93411000-2</p> <p>18 Rail transport services 711 60111000-9 From 60121000-2 to 60121600-8</p> <p>19 Water transport services 72 From 61000000-5 to 61530000-9 From 63370000-3 to 63372000-7</p> <p>20 Supporting and auxiliary transport services</p> <p>74 62400000-6, 62440000-8, 62441000-5, 62450000-1, From 63000000-9 to 63600000-5, except for: - 63370000-3 - 63371000-0 - 63372000-7 74322000-2 93610000-7</p> <p>21 Legal services 861 From 74110000-3 to 74114000-1</p> <p>22 Personnel placement and supply services<sup>1</sup> 872 From 74500000-4 to 74540000-6</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>93 - 74511000-4, and from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)</p> <p>26 Recreational, cultural and sporting services - 96 - From 74875000-3 to 74875200-5, and From 92000000-1 to 92622000-7 (except 92230000-2)</p> <p>27 Other services (2)</p> <p>(1) Except employment contracts. (2) Except contracts for the acquisition, development, production or co-production of programmes by broadcasting organisations and contracts for broadcasting time.</p>		<p>93 - 74511000-4, and from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)</p> <p>26 Recreational, cultural and sporting services - 96 - From 74875000-3 to 74875200-5, and From 92000000-1 to 92622000-7 (except 92230000-2)</p> <p>27 Other services</p> <p>(1) Except employment contracts.</p>		<p>(except for 74511000-4) From 95000000-2 to 95140000-5</p> <p>23 Investigation and security services, except armoured car services 873 (except 87304) From 74600000-5 to 74620000-1</p> <p>24 Educational and vocational services 92 From 80100000-5 to 80430000-7</p> <p>25 Health and social services 93 74511000-4 From 85000000 to 85323000 (except for 85321000-5 and 85322000-2)</p> <p>26 Recreational, cultural and sporting services2 96 From 74875000-3 to 74875200-5 From 92000000-1 to 92622000-7 (except for 92230000-2)</p> <p>27 Other services, 2</p> <p>1 Except employment contracts 2 Except contracts for the acquisition, development, production or coproduction of programmes by broadcasting organization and contracts for broadcasting time</p>
III	ANNEX III LIST OF BODIES AND CATEGORIES OF BODIES	na	na	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	GOVERNED BY PUBLIC LAW AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 1(9) <i>[country information]</i>				
IV	ANNEX IV CENTRAL GOVERNMENT AUTHORITIES(1) (1) For the purposes of this Directive "central government authorities" means the authorities that are listed by way of indication in this Annex and, insofar as corrections or amendments have been made at national level, their successor entities. <i>[country information]</i>	na	na	na	na
V	ANNEX V LIST OF PRODUCTS REFERRED TO IN ARTICLE 7 WITH REGARD TO CONTRACTS AWARDED BY CONTRACTING AUTHORITIES IN THE FIELD OF DEFENCE(1) (1) The only text applicable for the purpose of this Directive is that within Annex 1, point 3 of the Agreement.  Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement Chapter 26: Metallic ores, slag and ash	na	na	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	Chapter 27: Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes except: ex 27.10: special engine fuels Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements and of isotopes except: ex 28.09: explosives ex 28.13: explosives ex 28.14: tear gas ex 28.28: explosives ex 28.32: explosives ex 28.39: explosives ex 28.50: toxic products ex 28.51: toxic products ex 28.54: explosives Chapter 29: Organic chemicals except: ex 29.03: explosives ex 29.04: explosives ex 29.07: explosives ex 29.08: explosives ex 29.11: explosives ex 29.12: explosives ex 29.13: toxic products ex 29.14: toxic products ex 29.15: toxic products ex 29.21: toxic products				

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>ex 29.22: toxic products  ex 29.23: toxic products  ex 29.26: explosives  ex 29.27: toxic products  ex 29.29: explosives  Chapter 30: Pharmaceutical products  Chapter 31: Fertilisers  Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks  Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations  Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'  Chapter 35: Albuminoidal substances, glues, enzymes  Chapter 37: Photographic and cinematographic goods  Chapter 38: Miscellaneous chemical products, except:  ex 38.19: toxic products  Chapter 39: Artificial resins and</p>				



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	plastic materials, celluloses esters and ethers, articles thereof, except: ex 39.03: explosives Chapter 40: Rubber, synthetic rubber, factice, and articles thereof, except: ex 40.11: bullet-proof tyres Chapter 41: Raw hides and skins (other than furskins) and leather Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut) Chapter 43: Furskins and artificial fur, manufactures thereof Chapter 44: Wood and articles of wood, wood charcoal Chapter 45: Cork and articles of cork Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork Chapter 47: Paper-making material Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts				

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>and plans            Chapter 65: Headgear and parts thereof            Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof            Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair            Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials            Chapter 69: Ceramic products            Chapter 70: Glass and glassware            Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof;            imitation jewellery            Chapter 73: Iron and steel and articles thereof            Chapter 74: Copper and articles thereof            Chapter 75: Nickel and articles thereof            Chapter 76: Aluminium and articles thereof            Chapter 77: Magnesium and beryllium and articles thereof            Chapter 78: Lead and articles thereof            Chapter 79: Zinc and articles</p>				

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>thereof            Chapter 80: Tin and articles thereof            Chapter 81: Other base metals employed in metallurgy and articles thereof            Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal, parts thereof, except:            ex 82.05: tools            ex 82.07: tools, parts            Chapter 83: Miscellaneous articles of base metal            Chapter 84: Boilers, machinery and mechanical appliances, parts thereof, except:            ex 84.06: engines            ex 84.08: other engines            ex 84.45: machinery            ex 84.53: automatic data-processing machines            ex 84.55: parts of machines under heading No 84.53            ex 84.59: nuclear reactors            Chapter 85: Electrical machinery and equipment, parts thereof, except:            ex 85.13: telecommunication equipment            ex 85.15: transmission apparatus            Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof, railway and tramway tracks</p>				

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered), except: ex 86.02: armoured locomotives, electric ex 86.03: other armoured locomotives ex 86.05: armoured wagons ex 86.06: repair wagons ex 86.07: wagons Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof, except: ex 87.08: tanks and other armoured vehicles ex 87.01: tractors ex 87.02: military vehicles ex 87.03: breakdown lorries ex 87.09: motorcycles ex 87.14: trailers Chapter 89: Ships, boats and floating structures, except: ex 89.01A: warships Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof, except: ex 90.05: binoculars				

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	ex 90.13: miscellaneous instruments, lasers ex 90.14: telemeters ex 90.28: electrical and electronic measuring instruments ex 90.11: microscopes ex 90.17: medical instruments ex 90.18: mechano-therapy appliances ex 90.19: orthopaedic appliances ex 90.20: X-ray apparatus Chapter 91: Manufacture of watches and clocks Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except: ex 94.01A: aircraft seats Chapter 95: Articles and manufactures of carving or moulding material Chapter 96: Brooms, brushes, powder-puffs and sieves Chapter 98: Miscellaneous manufactured articles				
na	na	I	ANNEX I	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			CONTRACTING ENTITIES IN THE SECTORS OF TRANSPORT OR DISTRIBUTION OF GAS OR HEAT <i>[country information]</i>		
na	na	II	ANNEX II CONTRACTING ENTITIES IN THE SECTORS OF PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY <i>[country information]</i>	na	na
na	na	III	ANNEX III CONTRACTING ENTITIES IN THE SECTORS OF PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER <i>[country information]</i>	na	na
na	na	IV	ANNEX IV CONTRACTING ENTITIES IN THE FIELD OF RAIL SERVICES <i>[country information]</i>	na	na
na	na	V	ANNEX V CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEYBUS OR BUS SERVICES <i>[country information]</i>	na	na
na	na	VI	ANNEX VI CONTRACTING ENTITIES IN THE POSTAL SERVICES SECTOR <i>[country information]</i>	na	na
na	na	VII	ANNEX VII CONTRACTING ENTITIES IN	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			THE SECTORS OF EXPLORATION FOR AND EXTRACTION OF OIL OR GAS <i>[country information]</i>		
na	na	VIII	ANNEX VIII CONTRACTING ENTITIES IN THE SECTORS OF EXPLORATION FOR AND EXTRACTION OF COAL AND OTHER SOLID FUELS <i>[country information]</i>	na	na
na	na	IX	ANNEX IX CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES <i>[country information]</i>	na	na
na	na	X	ANNEX X CONTRACTING ENTITIES IN THE FIELD OF AIRPORT INSTALLATIONS <i>[country information]</i>	na	na
na	na	XI	ANNEX XI LIST OF COMMUNITY LEGISLATION REFERRED TO IN ARTICLE 30(3) A. TRANSPORT OR DISTRIBUTION OF GAS OR HEAT Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas(1) B. PRODUCTION,	na	na

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>TRANSMISSION OR DISTRIBUTION OF ELECTRICITY                      Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity(2)</p> <p>C. PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER</p> <p>-</p> <p>D. CONTRACTING ENTITIES IN THE FIELD OF RAIL SERVICES</p> <p>-</p> <p>E. CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEYBUS OR MOTOR BUS SERVICES</p> <p>-</p> <p>F. CONTRACTING ENTITIES IN THE FIELD OF POSTAL SERVICES</p> <p>Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service(3)</p> <p>G. EXPLORATION FOR AND EXTRACTION OF OIL OR GAS</p> <p>Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the</p>		



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons(4)</p> <p>H. EXPLORATION FOR AND EXTRACTION OF COAL OR OTHER SOLID FUELS</p> <p>-</p> <p>I. CONTRACTING ENTITIES IN THE FIELD OF SEAPORT OR INLAND PORT OR OTHER TERMINAL EQUIPMENT</p> <p>-</p> <p>J. CONTRACTING ENTITIES IN THE FIELD OF AIRPORT INSTALLATIONS</p> <p>-</p> <p>(1) OJ L 204, 21.7.1998, p. 1.  (2) OJ L 27, 30.1.1997, p. 20.  (3) OJ L 15, 21.1.1998, p. 14.  Directive last amended by Directive 2002/39/EC (OJ L 176, 5.7.2002, p. 21).  (4) OJ L 164, 30.6.1994, p. 3.</p>		
VI.1	<p>ANNEX VI</p> <p>DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS</p> <p>For the purposes of this Directive:</p> <p>1. (a) "technical specification", in the case of public works contracts, means the totality of the technical prescriptions contained in particular in the tender documents, defining</p>	XX.1	<p>DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS</p> <p>For the purposes of this Directive,</p> <p>1. (a) "Technical specification", in the case of service or supply contracts, means a specification in a document defining the required characteristics of a product or a service, such as quality levels,</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>the characteristics required of a material, product or supply, which permits a material, a product or a supply to be described in a manner such that it fulfils the use for which it is intended by the contracting authority. These characteristics shall include levels of environmental performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling and production processes and methods. They shall also include rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or techniques of construction and all other technical conditions which the contracting authority is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;</p> <p>(b) "technical specification", in the case of public supply or service contracts, means a specification in a document defining the required</p>		<p>environmental performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods and conformity assessment procedures;</p> <p>(b) "Technical specification", in the case of works contracts, means the totality of the technical prescriptions contained in particular in the tender documents, defining the characteristics required of a material, product or supply, which permits a material, a product or a supply to be described in a manner such that it fulfils the use for which it is intended by the contracting entity. These characteristics shall include levels of environmental performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures</p>		

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	characteristics of a product or a service, such as quality levels, environmental performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods and conformity assessment procedures;		concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, and production processes and methods. They shall also include rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or techniques of construction and all other technical conditions which the contracting entity is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;		
VI.2.s1	2. "standard" means a technical specification approved by a recognised standardising body for repeated or continuous application, compliance with which is not compulsory and which falls into one of the following categories:	XXI.2.s1	2. "Standard" means a technical specification approved by a recognised standardisation body for repeated or continuous application, compliance with which is not compulsory and which falls into one of the following categories:	na	na
VI.2.i1	- international standard: a standard adapted by an international standards organisation and made available to the general public,	XXI.2.i1	- "international standard": a standard adopted by an international standards organisation and made available to the general public;	na	na
VI.2.i2	- European standard: a standard adopted by a European standards organisation and made available to the general public,	XXI.2.i2	- "European standard": a standard adopted by a European standards organisation and made available to the general public;	na	na
VI.2.i3	- national standard: a standard	XXI.2.i3	- "national standard": a standard	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	adopted by a national standards organisation and made available to the general public;		adopted by a national standards organisation and made available to the general public;		
VI.3	3. "European technical approval" means a favourable technical assessment of the fitness for use of a product for a particular purpose, based on the fulfilment of the essential requirements for building works, by means of the inherent characteristics of the product and the defined conditions of application and use. European technical approvals are issued by an approval body designated for this purpose by the Member State;	XXI.3	3. "European technical approval" means a favourable technical assessment of the fitness for use of a product, based on the fulfilment of the essential requirements for building works, by means of the inherent characteristics of the product and the defined conditions of application and use. European technical approvals are issued by an approval body designated for this purpose by the Member State;	na	na
VI.4	4. "Common technical specification" means a technical specification laid down in accordance with a procedure recognised by the Member States which has been published in the Official Journal of the European Union;	XXI.4	4. "Common technical specifications" means a technical specification laid down in accordance with a procedure recognised by the Member States which has been published in the Official Journal of the European Union;	na	na
VI.5	5. "technical reference": any product produced by European standardisation bodies, other than official standards, according to procedures adopted for the development of market needs.	XXI.5	5. "Technical reference": any product produced by European standardisation bodies, other than official standards, according to procedures adapted to developments in market needs.	na	na
VII.A.p1	ANNEX VII INFORMATION TO BE INCLUDED IN NOTICES	XV.B	ANNEX XV B INFORMATION TO BE INCLUDED IN NOTICES OF PUBLICATION OF A PERIODIC	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>ANNEX VII A INFORMATION WHICH MUST BE INCLUDED IN PUBLIC CONTRACT NOTICES NOTICE OF THE PUBLICATION OF A PRIOR INFORMATION NOTICE ON A BUYER PROFILE</p> <p><i>[Replaced by Regulation 1564/2005, Annex VIII]</i></p>		<p>INDICATIVE NOTICE ON A BUYER PROFILE NOT USED AS A MEANS OF CALLING FOR COMPETITION</p> <p><i>[Replaced by Regulation 1564/2005, Annex VIII]</i></p>		
VII.A.p2	<p>PRIOR INFORMATION NOTICE</p> <p><i>[Replaced by Regulation 1564/2005, Annex I]</i></p>	XV.A	<p>ANNEX XV A A INFORMATION TO BE INCLUDED IN THE PERIODIC INDICATIVE NOTICE I. HEADINGS TO BE COMPLETED IN ALL CASES</p> <p><i>[Replaced by Regulation 1564/2005, <a href="#">Annex IV</a>]</i></p>	Annex 3A.p1	<p>ANNEX 3 INFORMATION WHICH MUST BE INCLUDED IN PUBLIC CONTRACT NOTICES</p> <p>ANNEX 3A INFORMATION WHICH MUST BE INCLUDED IN PUBLIC PROCUREMENT CONTRACT NOTICES</p> <p>NOTICE OF THE PUBLICATION OF A PRIOR INFORMATION NOTICE ON A ESPP</p> <ol style="list-style-type: none"> <li>1. Country of the contracting authority</li> <li>2. Name of the contracting authority</li> <li>3. Internet address of the (URL)</li> <li>4. CPV Nomenclature reference No(s)</li> </ol> <p>INTENTION NOTICE</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>1. The name, address, fax number and email address of the contracting authority and, if different, of the service from which additional information may be obtained and, in the case of services and works contracts, of the services, e.g. the relevant governmental internet site, from which information can be obtained concerning the general regulatory framework for taxes, environmental protection, employment protection and working conditions applicable in the place where the contract is to be performed</p> <p>2. Where appropriate, indicate whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes.</p> <p>3. In the case of public works contracts: the nature and extent of the works; the place of execution; if the work is to be subdivided into several lots, the essential characteristics of those lots; if available, an estimate of the range of the cost of the proposed works; Nomenclature reference No(s)</p> <p>In the case of public supply contracts: the nature and quantity or value of the products to be supplied; nomenclature reference No(s)</p> <p>In the case of public services</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>contracts: the total value of the proposed purchases in each of the service categories in Annex 2 A; nomenclature reference No(s)</p> <p>4. Estimated date for initiating the award procedures in respect of the contract or contracts, in the case of public service contracts by category</p> <p>5. Where appropriate, indicate whether a framework agreement is involved</p> <p>6. Where appropriate, other information</p> <p>7. Date of dispatch of the notice or of dispatch of the simplified notice for prior information</p> <p>8. Indicate whether the contract is covered by the Agreement</p>
VII.A.p3	<p>CONTRACT NOTICES</p> <p><i>[Replaced by Regulation 1564/2005, Annex II]</i></p>	XIII.A-C	<p>ANNEX XIII</p> <p>INFORMATION TO BE INCLUDED IN CONTRACT NOTICES</p> <p><i>[Replaced by Regulation 1564/2005, Annex V]</i></p>	Annex 3A.p2 (amended by L337/2006, point 52)	<p>PUBLIC PROCUREMENT CONTRACT PARTICIPATION NOTICES</p> <p>Open and restricted procedures, competitive dialogue, negotiated procedure:</p> <p>1. Name, address, telephone and fax number, email address of the contracting authority</p> <p>2. Where appropriate, indicate whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>3. (a) The award procedure chosen;</p> <p>(b) Where appropriate, the reasons for use of the accelerated procedure (in restricted and negotiated procedures);</p> <p>(c) <i>If the case may be, a framework-agreement is to be signed or not.</i></p> <p>(d) Where appropriate, indicate whether a dynamic purchasing system is involved;</p> <p>(e) Where appropriate, the holding of an electronic auction (in conformity with provisions of art. 161 letter a)</p> <p>4. Form of the contract</p> <p>5. Place of execution/performance of the works, for delivery of products or of the provision of services</p> <p>6. (a) Public works contracts:</p> <ul style="list-style-type: none"> <li>- nature and extent of the works and general nature of the work; indication in particular of options concerning supplementary works, and, if known, the provisional timetable for recourse to these options as well as the number of possible renewals, if any; if the work or the contract is subdivided into several lots, the size of the different lots; nomenclature reference number(s),</li> <li>- information concerning the purpose of the work or the contract</li> </ul>



Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>where the latter also involves the drawing up of projects,</p> <ul style="list-style-type: none"> <li>- in the event of a framework agreement, indication also of the planned duration of the framework agreement, the estimated total value of the works for the entire duration of the framework agreement and, as far as possible, the value and the frequency of the contracts to be awarded.</li> </ul> <p>(b) Public supply contracts:</p> <ul style="list-style-type: none"> <li>- nature of the products to be supplied, indicating in particular whether tenders are requested with a view to purchase, lease rental, hire or hire purchase or a combination of these, nomenclature reference number; quantity of products to be supplied, indicating in particular options concerning supplementary purchases and, if known, the provisional timetable for recourse to these options as well as the number of renewals, if any; nomenclature reference number(s),</li> <li>- in the case of regular or renewable contracts during the course of a given period, indicate also, if known, the timetable for subsequent contracts for purchase of intended supplies,</li> <li>- in the event of a framework agreement, indication also of the</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>planned duration of the framework agreement, the estimated total value of the supplies for the entire duration of the framework agreement and, as far as possible, the value and the frequency of the contracts to be awarded.</p> <p>(c) Public service contracts:</p> <ul style="list-style-type: none"> <li>- category and description of service; nomenclature reference number(s); quantity of services to be provided; indicate in particular options concerning supplementary purchases and, if known, the provisional timetable for recourse to these options as well as the number of renewals, if any.</li> <li>- in the case of renewable contracts over a given period, an estimate of the time frame, if known, for subsequent public contracts for purchase of intended services,</li> <li>- in the event of a framework agreement, indication also of the planned duration of the framework agreement, the estimated total value of the services for the entire duration of the framework agreement and, as far as possible, the value and the frequency of the contracts to be awarded,</li> <li>- indication of whether the execution of the service is reserved by law, regulation or administrative</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>provision to a particular profession (reference to the law, regulation or administrative provision).</p> <ul style="list-style-type: none"> <li>- indication of whether legal persons should indicate the names and professional qualifications of the staff to be responsible for the execution of the service.</li> </ul> <p>7. If the contracts are subdivided into lots, indication of the possibility of tendering for one, for several or for all the lots.</p> <p>8. Any time limit for completion of works/supplies/services or duration of the works/supply/services contract; where possible any time limit by which works will begin or any time limit by which delivery of supplies or services will begin.</p> <p>9. Admission or prohibition of variants.</p> <p>10. Where applicable particular conditions to which the performance of the contract is subject.</p> <p>11. In the case of open procedures:</p> <ul style="list-style-type: none"> <li>(a) name, address, telephone and telefax number and electronic address of the service from which contract documents and additional documents can be requested;</li> <li>(b) where appropriate, time limit for submission of such requests;</li> <li>(c) where appropriate, cost of and payment conditions for obtaining</li> </ul>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>these documents.</p> <p>12. (a) Time limit for receipt of tenders or indicative tenders where a dynamic purchasing system is being used (open procedures);                      (b) time limit for receipt of request to participate (restricted and negotiated procedures);                      (c) address where these have to be transmitted;                      (d) the language or languages in which they must be drawn up.</p> <p>13. In the case of open procedures:                      (a) persons authorised to be present at the opening of tenders;                      (b) date, time and place for such opening.</p> <p>14. Where appropriate any deposit and guarantees required.</p> <p>15. Main terms concerning financing and payment and/or references to the texts in which these are contained.</p> <p>16. Where applicable, the legal form to be taken by the grouping of economic operators to whom the contract is to be awarded.</p> <p>17. Selection criteria regarding the personal situation of economic operators that may lead to their exclusion, and required information proving that they do not fall within the cases justifying exclusion. Selection criteria and information concerning</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>the economic operators' personal situation, information and any necessary formalities for assessment of the minimum economic and technical standards required of the economic operator. Minimum level(s) of standards possibly required.</p> <p>18. Where there is a framework agreement: the number and, where appropriate, proposed maximum number of economic operators who will be members of it, the duration of the framework agreement provided for, stating, if appropriate, the reasons for any duration exceeding four years.</p> <p>19. In the case of a competitive dialogue or a negotiated procedure with a prior publication notice, indicate, if appropriate, recourse to a staged procedure in order gradually to reduce the number of solutions to be discussed or tenders to be negotiated.</p> <p>20. In the case of a restricted procedure, a competitive dialogue or a negotiated procedure with the publication of a contract notice, when recourse is had to the option of reducing the number of candidates to be invited to submit tenders, to engage in dialogue or to negotiate: minimum and, if appropriate, proposed maximum number of candidates and objective criteria to be</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>used to choose that number of candidates.</p> <p>21. Time frame during which the tenderer must maintain its tender (open procedures).</p> <p>22. Where appropriate, names and addresses of economic operators already selected by the contracting authority (negotiated procedures).</p> <p>23. <i>Criterion for awarding the contract: "the lowest price" or "the most economically beneficial offer", as well as their balance, only if they are not included in the awarding documentation or, in the case of competitive dialogue or of negotiation, in the narrative documentation.</i></p> <p>24. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning deadlines for lodging appeals, or if need be the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p> <p>25. Date(s) of publication of the intention notice or statement that no such publication was made.</p> <p>26. Date of dispatch of the notice.</p> <p>27. Indicate whether the contract is covered by the Agreement.</p>
VII.A.p4	SIMPLIFIED CONTRACT NOTICE	XIII.D	D. SIMPLIFIED CONTRACT	Annex	SIMPLIFIED CONTRACT NOTICE

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	FOR USE IN A DYNAMIC PURCHASING SYSTEM <i>[Replaced by Regulation 1564/2005, Annex IX]</i>		NOTICE FOR USE IN A DYNAMIC PURCHASING SYSTEM  <i>[Replaced by Regulation 1564/2005, Annex VIII]</i>	3A.p3	FOR USE IN A DYNAMIC PURCHASING SYSTEM  1. Country of contracting authority.  2. Name and e-mail address of contracting authority.  3. Publication reference of the contract notice for the dynamic purchasing system.  4. E-mail address at which the technical specification and additional documents relating to the dynamic purchasing system are available.  5. Subject of contract: description by reference number(s) of 'CPV' nomenclature and quantity or extent of the contract to be awarded.  6. Time frame for submitting indicative tenders.
VII.A.p5	CONTRACT AWARD NOTICES  <i>[Replaced by Regulation 1564/2005, Annex III]</i>	XVI	ANNEX XVI INFORMATION TO BE INCLUDED IN THE CONTRACT AWARD NOTICE  <i>[Replaced by Regulation 1564/2005, Annex VI]</i>	Annex 3Ap.4	CONTRACT AWARD NOTICES  1. Name and address of the contracting authority.  2. Award procedures chosen. In the case of negotiated procedure without prior publication of a contract notice, justification.

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>3. Public works contracts: nature and extent of the contract, general characteristics of the work.</p> <p>Public supply contracts: nature and quantity of products supplied, where appropriate, by the supplier; nomenclature reference number.</p> <p>Public service contracts: category and description of the service; nomenclature reference number; quantity of services bought.</p> <p>4. Date of contract award.</p> <p>5. Contract award criteria.</p> <p>6. Number of tenders received.</p> <p>7. Name and address of the successful economic operators.</p> <p>8. Price or range of prices (minimum/maximum) paid.</p> <p>9. Value of the tender (tenders) retained or the highest tender and lowest tender taken into consideration for the contract award.</p> <p>10. Where appropriate, value and proportion of contract likely to be subcontracted to third parties.</p>



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>11. Date of publication of the tender notice.</p> <p>12. Date of dispatch of the notice.</p> <p>13. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning the deadline for lodging appeals, or if need be the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>
VII.B	<p>ANNEX VII B INFORMATION WHICH MUST APPEAR IN PUBLIC WORKS CONCESSION NOTICES</p> <p><i>[Replaced by Regulation 1564/2005, Annex X]</i></p>	na	na	Annex 3B	<p>ANNEX 3 B INFORMATION WHICH MUST APPEAR IN PUBLIC WORKS CONCESSION NOTICES</p> <p>1. Name, address, fax number and email address of the contracting authority</p> <p>2. (a) Place of execution</p> <p>(b) Subject of the concession; nature and extent of the works/services</p> <p>3. (a) Time limit for the submission of applications</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(b) Address to which they must be sent</p> <p>(c) Language(s) in which they must be written</p> <p>4. Personal, technical and financial conditions to be met by the candidates</p> <p>5. Criteria which will be applied in the award of the contract</p> <p>6. If appropriate, the minimum proportion of the works which will be contracted out</p> <p>7. Date of dispatch of the notice</p> <p>8. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning the deadline for lodging appeals, or if need be the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>
VII.C	ANNEX VII C INFORMATION WHICH MUST APPEAR IN WORKS CONTRACT NOTICES OF CONCESSIONNAIRES WHO ARE	na	na	Annex 3C	ANNEX 3 C  INFORMATION WHICH MUST APPEAR IN WORKS CONTRACT NOTICES OF CONCESSIONNAIRES

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>NOT CONTRACTING AUTHORITIES</p> <p><i>[Replaced by Regulation 1564/2005, Annex XI]</i></p>				<p>WHO ARE NOT CONTRACTING AUTHORITIES</p> <p>1. (a) Place of execution</p> <p>(b) Nature and extent of the services, general characteristics of the works</p> <p>2. Any time limit for completion imposed</p> <p>3. Name and address of the body from whom the specifications and the additional documents may be requested</p> <p>4. (a) Time limit for the receipt of applications to participate and/or the receipt of tenders</p> <p>(b) Address to which they must be sent</p> <p>(c) Language(s) in which they must be written</p> <p>5. Any deposits or guarantees required</p> <p>6. Economic and technical conditions to be met by the contractor</p> <p>7. Criteria which will be applied in the</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					award of the contract
					8. Date of dispatch of the notice
VII.D.p1	<p>ANNEX VII D INFORMATION WHICH MUST APPEAR IN DESIGN CONTEST NOTICES CONTEST NOTICES</p> <p><i>[Replaced by Regulation 1564/2005, Annex XII]</i></p>	XVIII	<p>ANNEX XVIII INFORMATION TO BE INCLUDED IN THE DESIGN CONTEST NOTICE</p> <p><i>[Replaced by Regulation 1564/2005, Annex XII]</i></p>	Annex 3D.p1	<p>ANNEX 3 D</p> <p>INFORMATION WHICH MUST APPEAR IN DESIGN CONTEST NOTICES CONTEST NOTICES</p> <p>1. Name, address, fax number and email address of the contracting authority and those of the service from which the additional documents may be obtained</p> <p>2. Description of the project</p> <p>3. Type of contest: open or restricted</p> <p>4. In the event of an open contest: time limit for the submission of projects</p> <p>5. In the event of a restricted contest:</p> <p>(a) number of participants contemplated</p> <p>(b) names of the participants already selected, if any</p> <p>(c) criteria for the selection of participants</p>

Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
					<p>(d) time limit for requests to participate</p> <p>6. If appropriate, indicate that the participation is restricted to a specified profession</p> <p>7. Criteria which will be applied in the evaluation of the projects</p> <p>8. Names of any members of the jury who have already been selected</p> <p>9. Indicate whether the jury's decision is binding on the contracting authority</p> <p>10. Number and value of any prizes</p> <p>11. Payments to be made to all participants, if any</p> <p>12. Indicate whether any contracts following the contest will or will not be awarded to the winner or winners of the contest</p> <p>13. Date of dispatch of the notice</p>
VII.D.p2	<p>NOTICE OF THE RESULTS OF A CONTEST</p> <p><i>[Replaced by Regulation 1564/2005, Annex XIII]</i></p>	XIX	<p>ANNEX XIX INFORMATION TO BE INCLUDED IN THE RESULTS OF DESIGN CONTEST NOTICES</p> <p><i>[Replaced by Regulation</i></p>	Annex 3D.p2	<p>NOTICE OF THE RESULTS OF A CONTEST</p> <p>1. Name, address, fax number and email address of the contracting authority</p>

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<i>1564/2005, Annex XIII]</i>		2. Description of the project 3. Total number of participants 4. Number of foreign participants 5. Winner(s) of the contest 6. Any prizes 7. Reference of the contest notice 8. Date of dispatch of the notice
na	na	XIV	ANNEX XIV INFORMATION TO BE INCLUDED IN THE NOTICE ON THE EXISTENCE OF A QUALIFICATION SYSTEM  <i>[Replaced by Regulation 1564/2005, Annex VII]</i>	na	na
VIII.1.a	FEATURES CONCERNING PUBLICATION 1. Publication of notices (a) <i>Notices referred to in <a href="#">Articles 35, 58, 64 and 69</a> must be sent by the contracting authorities to the Office for Official Publications of the European Communities in the format established by implementing measures to be adopted by the Commission in accordance with the procedure referred to <a href="#">Article 77(2)</a>.</i>	XX.1.a	1. Publication of notices (a) <i>Notices referred to in <a href="#">Articles 41, 42, 43 and 63</a> must be sent by the contracting entities to the Office for Official Publications of the European Communities in the format established by implementing measures to be adopted by the Commission in accordance with the procedure referred to in <a href="#">Article 68(2)</a>. The periodic indicative notices referred to in <a href="#">Article 41(1)</a>,</i>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>The prior information notices referred to in <a href="#">Article 35(1), first subparagraph</a>, published on a buyer profile as described in point 2(b), must also use that format, as must the notice of such publication.</p> <p><i>[Amended by Directive 2005/51, Article 2]</i></p>		<p>published on a buyer profile as described in paragraph 2(b), must also use that format, as must the notice of such publication;</p> <p><i>[Amended by Directive 2005/51, Article 1]</i></p>		
VIII.1.b	<p>(b) Notices referred to in <a href="#">Articles 35, 58, 64 and 69</a> are published by the Office for Official Publications of the European Communities or by the contracting authorities in the event of a prior information notice published on a buyer profile in accordance with <a href="#">Article 35(1), first subparagraph</a>.</p> <p>In addition, contracting authorities may publish this information on the Internet on a "buyer profile" as referred to in point 2(b).</p>	XX.1.b	<p>(b) Notices referred to in Articles 41, 42, 43 and 63 must be published by the Office for Official Publications of the European Communities or by the contracting entities in the event of a periodic indicative notice published on a buyer profile in accordance with Article 41(1).</p> <p>In addition, contracting authorities may publish this information on the Internet on a "buyer profile" as referred to in point 2(b);</p>	na	na
VIII.1.c	<p>(c) The Office for Official Publications of the European Communities will give the contracting authority the confirmation referred to in Article 36(8).</p>	XX.1.c	<p>(c) The Office for Official Publications of the European Communities will give the contracting authority the confirmation referred to in Article 44(7).</p>	na	na
VIII.2-3	<p>2. Publication of complementary or additional information</p> <p>(a) Contracting authorities are encouraged to publish the specifications and the additional</p>	XX.2-3	<p>2. Publication of complementary or additional information</p> <p>(a) Contracting entities are encouraged to publish the specifications and the additional</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	<p>documents in their entirety on the Internet.</p> <p>(b) The buyer profile may include prior information notices as referred to in <a href="#">Article 35(1), first subparagraph</a>, information on ongoing invitations to tender, scheduled purchases, contracts concluded, procedures cancelled and any useful general information, such as a contact point, a telephone and a fax number, a postal address and an e-mail address.</p> <p>3. Format and procedures for sending notices electronically</p> <p>The format and procedure for sending notices electronically are accessible at the Internet address "http:simap.eu.int".</p>		<p>documents in their entirety on the Internet;</p> <p>(b) The buyer profile may include periodic indicative notices as referred to in Article 41(1), information on ongoing invitations to tender, scheduled purchases, contracts concluded, procedures cancelled and any useful general information, such as a contact point, a telephone and a fax number, a postal address and an e-mail address.</p> <p>3. Format and procedures for the electronic transmission of notices</p> <p>The format and procedure for sending notices electronically are accessible at the Internet address "http:simap.eu.int".</p>		
IX.A	<p>ANNEX IX REGISTERS</p> <p>ANNEX IX A(1) PUBLIC WORKS CONTRACTS</p> <p>The professional registers and corresponding declarations and certificates for each Member State are: <i>[country information]</i></p>	na	na	na	na
IX.B	<p>ANNEX IX B PUBLIC SUPPLY CONTRACTS</p> <p>The relevant professional or trade registers and the corresponding declarations and</p>	na	na	na	na



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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	certificates are: <i>[country information]</i>				
IX.C	ANNEX IX C PUBLIC SERVICE CONTRACTS The relevant professional and trade registers or declarations or certificates are: <i>[country information]</i>	na	na	na	na
na	Na	XXII	ANNEX XXII SUMMARY TABLE OF THE TIME-LIMITS LAID DOWN IN ARTICLE 45 Open procedures  Time limit for receipt of tenders - without a periodic indicative notice Time limit - 52 Electronic transmission of the notice 45 Contract documents available electronically - 47 Electronic transmission plus 'electronic' contract documents 40 Effect on first subparagraph of paragraph 7 - none Effect on second subparagraph of paragraph 7 - none  With publication of a periodic indicative notice A: Time limit in general - 36 Electronic transmission of the notice - 29 Contract documents available	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>electronically - 31            Electronic transmission plus 'electronic' contract documents - 24            Effect on first subparagraph of paragraph 7 - none            Effect on second subparagraph of paragraph 7 - none</p> <p>B: Minimum time limit - 22            Electronic transmission of the notice - 15            Contract documents available electronically - 17            Electronic transmission plus 'electronic' contract documents - 10            Effect on first subparagraph of paragraph 7 - The period of 10 days is extended to 15 days            Effect on second subparagraph of paragraph 7 - The period of 17 days is extended to 22 days</p> <p>Restricted and negotiated procedures            Time limit for the receipt of requests to participate:            General time limit - 37            Electronic transmission of the notice - 30            Contract documents available electronically - na            Electronic transmission plus 'electronic' contract documents - na            Effect on first subparagraph of</p>		

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>paragraph 8 - none Effect on second subparagraph of paragraph 8 - na</p> <p>Minimum time limit - 22 Electronic transmission of the notice - 15 Contract documents available electronically - na Electronic transmission plus 'electronic' contract documents - na Effect on first subparagraph of paragraph 8 - none Effect on second subparagraph of paragraph 8 - na</p> <p>Minimum time limit - 15 Electronic transmission of the notice - 8 Contract documents available electronically - na Electronic transmission plus 'electronic' contract documents - na Effect on first subparagraph of paragraph 8 - The period of 8 days is extended to 15 days Effect on second subparagraph of paragraph 8 - na</p> <p>Time limit for the receipt of tenders A: Time limit in general - 24 Electronic transmission of the notice - na Contract documents available</p>		

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>electronically - 19            Electronic transmission plus 'electronic' contract documents na            Effect on first subparagraph of paragraph 8 - na            Effect on second subparagraph of paragraph 8 - none</p> <p>B: Minimum time limit - 10            Electronic transmission of the notice - na            Contract documents available electronically - 5            Electronic transmission plus 'electronic' contract documents - na            Effect on first subparagraph of paragraph 8 - na            Effect on second subparagraph of paragraph 8 - The period of 5 days is extended to 10 days</p> <p>C: Time limit set by agreement - na            Electronic transmission of the notice - na            Contract documents available electronically - na            Electronic transmission plus 'electronic' contract documents - na            Effect on first subparagraph of paragraph 8 - na            Effect on second subparagraph of paragraph 8 - na</p>		
na	na	XXIII	ANNEX XXIII INTERNATIONAL LABOUR LAW	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
			<p>PROVISIONS WITHIN THE MEANING OF ARTICLE 59(4)</p> <ul style="list-style-type: none"> <li>- Convention 87 on Freedom of Association and the Protection of the Right to Organise;</li> <li>- Convention 98 on the Right to Organise and Collective Bargaining;</li> <li>- Convention 29 on Forced Labour;</li> <li>- Convention 105 on the Abolition of Forced Labour;</li> <li>- Convention 138 on Minimum Age;</li> <li>- Convention 111 on Discrimination (Employment and Occupation);</li> <li>- Convention 100 on Equal Remuneration;</li> <li>- Convention 182 on Worst Forms of Child Labour.</li> </ul>		
X	<p>ANNEX X REQUIREMENTS RELATING TO DEVICES FOR THE ELECTRONIC RECEIPT OF TENDERS, REQUESTS FOR PARTICIPATION AND PLANS AND PROJECTS IN CONTESTS</p> <p>Devices for the electronic receipt of tenders, requests for participation and plans and projects in contests must at least guarantee, through technical means and appropriate procedures, that:</p> <p>(a) electronic signatures relating to tenders, requests to participate and the forwarding of plans and projects comply with national</p>	XIV	<p>ANNEX XXIV REQUIREMENTS RELATING TO DEVICES FOR THE ELECTRONIC RECEIPT OF TENDERS, REQUESTS TO PARTICIPATE, APPLICATIONS FOR QUALIFICATION AS WELL AS PLANS AND PROJECTS IN CONTESTS</p> <p>Devices for the electronic receipt of tenders, requests to participate, applications for qualification as well as plans and projects in contests must guarantee, through technical means and appropriate procedures, at least that:</p> <p>(a) electronic signatures relating</p>	65	<p>Article 65</p> <p>Regarding the provisions of art. 64, guaranteeing the integrity and confidentiality of received data requires that the electronic devices, through their technical characteristics and/or through the specific used procedure, allow cumulatively the accomplishment of at least the following conditions:</p> <p>a) the moment of receiving the tenders or requirements for participation and of the submission of plans or projects can be precisely determined;</p> <p>b) before the time limit for the transmission of the data, no person</p>

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	<p>provisions adopted pursuant to Directive 1999/93/EC;</p> <p>(b) the exact time and date of the receipt of tenders, requests to participate and the submission of plans and projects can be determined precisely;</p> <p>(c) it may be reasonably ensured that, before the time limits laid down, no-one can have access to data transmitted under these requirements;</p> <p>(d) if that access prohibition is infringed, it may be reasonably ensured that the infringement is clearly detectable;</p> <p>(e) only authorised persons may set or change the dates for opening data received;</p> <p>(f) during the different stages of the contract award procedure or of the contest access to all data submitted, or to part thereof, must be possible only through simultaneous action by authorised persons;</p> <p>(g) simultaneous action by authorised persons must give access to data transmitted only after the prescribed date;</p> <p>(h) data received and opened in accordance with these requirements must remain accessible only to persons</p>		<p>to tenders, requests to participate and applications for qualification as well as to the forwarding of plans and projects comply with national provisions adopted pursuant to Directive 1999/93/EC(1);</p> <p>(b) the exact time and date of the receipt of tenders, requests to participate, applications for qualification as well as the submission of plans and projects can be determined precisely;</p> <p>(c) it may be reasonably ensured that, before the time limits laid down, no-one can have access to data transmitted under these requirements;</p> <p>(d) if that access prohibition is infringed, it may be reasonably ensured that the infringement is clearly detectable;</p> <p>(e) only authorised persons may set or change the dates for opening data received;</p> <p>(f) during the various stages of the qualification procedure, the contract award procedure or contest, access to all data submitted, or to part thereof, must be possible only through simultaneous action by authorised persons;</p> <p>(g) simultaneous action by authorised persons must give</p>		<p>has the access to the transmitted data;</p> <p>(c) in the case when the interdiction of access to the transmitted data provided by letter b) has been breached, the unauthorized access can be clearly detectable;</p> <p>(d) only authorized persons have the right to establish or modify the date of opening of received data;</p> <p>(e) the access to received data in all the phases of the process is possible only by an simultaneous action of at least two authorized persons/systems and only after the opening date established according to provisions of letter d);</p> <p>(f) after the opening date of received data, the access to respective data remains possible only for authorized persons.</p>

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	authorised to acquaint themselves therewith.		access to data transmitted only after the prescribed date; (h) data received and opened in accordance with these requirements must remain accessible only to persons authorised to acquaint themselves therewith. (1) Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures (OJ L 13, 19.1.2000, p. 12).		
XI	<p>ANNEX XI DEADLINES FOR TRANSPOSITION AND APPLICATION (Article 80)</p> <p>DEADLINES FOR TRANSPOSITION AND APPLICATION (Article 80) Directives - Deadlines for transposition and application 92/50/CEE (OJ L 209, 24.7.1992, p. 1) - 1 July 1993 Austria, Finland, Sweden (*) - 1 January 1995</p> <p>93/36/EEC (OJ L 199, 09.08.93, p. 1) - 13 June 1994 Austria, Finland, Sweden (*) - 1 January 1995</p> <p>93/37/EEC (OJ L 199, 09.08.93, p.</p>	XXV	<p>ANNEX XXV TIME LIMITS FOR TRANSPOSITION AND IMPLEMENTATION</p> <p>Directive - Time limits for transposition - Time limits for implementation 93/38/EEC (OJ L 199, 9.8.1993, p. 84) - 1.7.1994 - Spain: 1.1.1997; Greece and Portugal: 1.1.1998 98/4/EC (OJ L 101, 1.4.1998, p. 1) - 16.2.1999 - Greece and Portugal: 16.2.2000</p>	na	na

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Article	Directive 2004/18	Article	Directive 2004/17	Article	GUO No. 34/2006
	54) consolidation of directives: - 71/305/EEC (OJ L 185, 16.08.71, p. 5): - EC of 6 - 30 July 1972 - DK, IRL, UK - 1 January 1973 - Greece - 1 January 1981 - Spain, Portugal - 1 January 1986 - Austria, Finland, Sweden (*) - 1 January 1995  - 89/440/EEC (OJ L 210, 21.07.1989, p. 1): - EC of 9 - 19 July 1990 - Greece, Spain, Portugal - 1 March 1992 - Austria, Finland, Sweden (*) - 1 January 1995  97/52/EC (OJ L 328, 28.11.97, p. 1) - 13 October 1998 (*) EEA: 1 January 1994.				
XII	ANNEX XII CORRELATION TABLE	XXVI	ANNEX XXVI CORRELATION TABLE	na	na

### References:

#### **EC-Treaty**

Article 296

1. The provisions of this Treaty shall not preclude the application of the following rules:

- (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;
- (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes.



2. The Council may, acting unanimously on a proposal from the Commission, make changes to the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.

Article 44(2)(g)

**Romania and Bulgaria Accession Treaty 2005**

**Regulation No. 2195/2002**

**Regulation no. 2913/92**

**Directive 83/349**

**Directive 93/37**

Article 33

### **Directive 93/83**

Article 2, paragraph 4

The provision of bus transport services to the public shall not be considered to be a relevant activity within the meaning of paragraph 2 (c) where other entities are free to provide those services, either in general or in a particular geographical area, under the same condition as the contracting entities.

### **Directive 97/67**

Article 7

1. To the extent necessary to ensure the maintenance of universal service, the services which may be reserved by each Member State for the universal service provider(s) shall be the clearance, sorting, transport and delivery of items of domestic correspondence, whether by accelerated delivery or not, the price of which is less than five times the public tariff for an item of correspondence in the first weight step of the fastest standard category where such category exists, provided that they weigh less than 350 grams. In the case of the free postal service for blind and partially sighted persons, exceptions to the weight and price restrictions may be permitted.

2. To the extent necessary to ensure the maintenance of universal service, cross-border mail and direct mail may continue to be reserved within the price and weight limits laid down in paragraph 1.

3. As a further step towards the completion of the internal market of postal services, the European Parliament and the Council shall decide not later than 1 January 2000 and without prejudice to the competence of the Commission, on the further gradual and controlled liberalisation of the postal market, in particular with a view to the liberalisation of cross-border and direct mail, as well as on a further review of the price and weight limits, with effect from 1 January 2003, taking into account the developments, in particular economic, social and technological developments, that have occurred by that date, and also taking into account the financial equilibrium of the universal service provider(s), with a view to further pursuing the goals of this Directive.

Such decisions shall be based upon a proposal from the Commission to be tabled before the end of 1998, following a review of the sector. Upon request by the Commission, Member States shall provide all the information necessary for completion of the review.

4. Document exchange may not be reserved.

### **Decision 93/676**

### **Decision 97/367**

### **Decision 1999/468**

Article 3

Article 7

Article 8

### **Decision 2002/205**

**Decision 2004/73**

**Commission Decision 93/327**

**Case C-324/98**

**Joined cases C-21/03 and C-34/03**

**Romanian Government Ordinance no. 31/2002**

Article 12

*Missing*

**Romanian Law 500/2002**

Article 1 paragraph (2)